

THE  
MAKING  
OF  
AMERICA

BY SAMUEL JOHNSON









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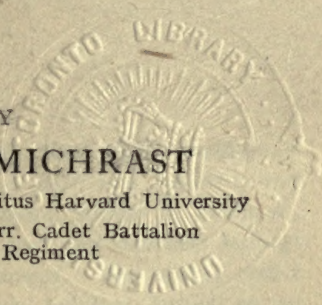
# THE MAKING OF AMERICA

BY

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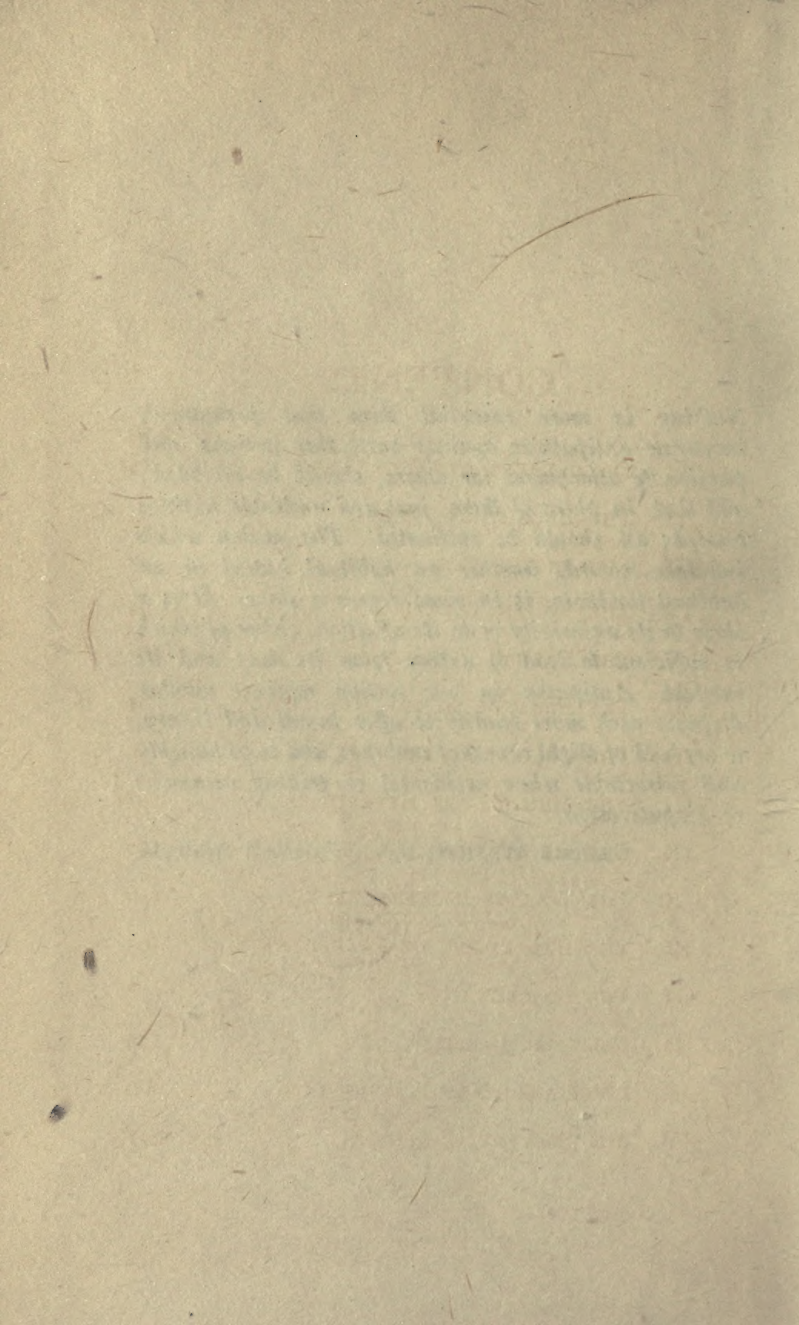
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*Nothing is more essential than that permanent, inveterate antipathies against particular nations, and passionate attachment for others, should be excluded ; and that, in place of them, just and amicable feelings towards all should be cultivated. The nation which indulges towards another an habitual hatred or an habitual fondness, is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur.*

GEORGE WASHINGTON : Farewell Address.





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## PRINCIPAL DATES

- 1453 *Fall of Constantinople and Closing of Trade Routes.*
- 1492 Columbus discovers America.
- 1497 Cabot discovers Newfoundland.
- 1534 Cartier's first voyage to Canada.
- 1558 *Accession of Queen Elizabeth.*
- 1577-1580 Drake's voyage round the world.
- 1583 Gilbert takes possession of Newfoundland.
- 1588 *Defeat of the Invincible Armada.*
- 1603 Champlain's first voyage.
- 1606 Creation of the Virginia Company.
- 1607 First permanent English settlement in Virginia :  
Jamestown.
- 1608 First permanent French settlement in Canada :  
Quebec.
- 1609 Hudson discovers the Hudson.
- 1620 The Pilgrim Fathers settle at New Plymouth.  
Dutch settlement in New Netherland.
- 1630 The " Great Emigration " to Massachusetts.
- 1642 *Civil War in England.*
- 1643 New England Confederation.
- 1649 *Execution of Charles I.*  
Maryland Toleration Act.
- 1660 *The Restoration.*
- 1667 New Netherland ceded to England.
- 1673 Dutch reconquer New Netherland.
- 1674 Final cession of New Netherland (New York) to  
England.



- 1681 La Salle sails down the Mississippi. Louisiana.  
1688 *Revolution in England : Fall of the Stuarts.*  
1689 The "Glorious Revolution" in America.  
1713 Treaty of Utrecht : Cession of Acadia (Nova Scotia) to England.  
End of the War of the Spanish Succession.  
1744 War with France.  
1745 Capture of Louisbourg by Colonial troops.  
1748 Treaty of Aix-la-Chapelle : Louisbourg restored to the French.  
1754 Albany Congress.  
1755 Defeat of Braddock.  
1756 Seven Years' War begins.  
1758 Capture of Louisbourg.  
1759 Capture of Quebec. Death of Wolfe.  
1760 Surrender of Montreal : Canada becomes English.  
*Accession of George III.*  
1761 Writs of Assistance.  
1763 Peace of Paris : Expulsion of the French from Canada.  
The Parson's Cause : Patrick Henry.  
1765 The Stamp Act.  
1766 Repeal of the Stamp Act. The Declaratory Act.  
1767 The Townshend Acts.  
1770 "Boston Massacre."  
1773 "Boston Tea Party."  
1774 Boston Port Act. First Continental Congress.  
1775 Lexington and Concord. Bunker Hill.  
Second Continental Congress.  
Washington Commander-in-Chief.  
1776 Declaration of Independence, July 4, at Philadelphia.  
1778 The French Alliance.  
1781 Capitulation of Cornwallis at Yorktown.  
Articles of Confederation.  
1783 Treaty of Paris. Recognition of independence of United States.

- 1787 The Constitution. The North-West Ordinance.
- 1789 The Constitution adopted.  
*The French Revolution.*
- 1793 Neutrality proclamation in the war between  
France and England.
- 1794 Formation of political parties.  
Jay's Treaty with Great Britain.
- 1798 Nullification: Kentucky and Virginia Resolu-  
tions.
- 1800 Secret retrocession of Louisiana to France by  
Spain.
- 1803 The Louisiana Purchase.
- 1806 Non-Importation Act. The Berlin Decrees. Or-  
ders in Council.
- 1807 Embargo Act.
- 1809 Repeal of Embargo Act. Non-Intercourse Act.
- 1812 War with Great Britain.
- 1814 Peace of Ghent. Beginning of Hundred Years'  
Peace.
- 1820 The Missouri Compromise.
- 1823 The Monroe Doctrine.
- 1832 Nullification in South Carolina.
- 1833 American Anti-Slavery Society founded.
- 1846 War with Mexico.
- 1848 Discovery of gold in California.
- 1850 The Slavery quarrel: Clay's Compromise.  
"Squatter sovereignty."
- 1854 Kansas-Nebraska Act.
- 1857 The Dred Scott decision.
- 1860 Abraham Lincoln elected President.
- 1861 The Civil War.
- 1862 First Emancipation proclamation.
- 1863 Final Proclamation of Emancipation.  
Battle of Gettysburg. Capitulation of Vicks-  
burg.
- 1864 Lincoln re-elected.

- 1865 Surrender of Richmond. Surrender of Lee at Appomatox. End of the War.
- 1867 The Reconstruction Acts.  
Purchase of Alaska.
- 1871 Reform of the Civil Service.  
Treaty of Washington (*Alabama* claims).
- 1872 *Alabama* arbitration.
- 1881 Assassination of President Garfield.  
Civil Service Reform.
- 1892 Cleveland re-elected President.
- 1895 The Venezuela Dispute.
- 1898 U.S.S. *Maine* blown up at Havana. War with Spain. Peace of Paris.
- 1899 The Gold Standard secured.
- 1901 Assassination of President McKinley. Roosevelt President.
- 1914 *Germany invades Belgium. Great Britain declares war.*
- 1915 *Lusitania* torpedoed and sunk.
- 1917 President Wilson's address to Congress urging war on Germany. War declared.
- 1918 Fourth of July celebrated officially in London.



## INTRODUCTION

THIS is not a history, in the exact sense of the word. It is no more than an attempt to relate briefly the general outlines of the events which led to the revolt of the Thirteen Colonies in America and the manner in which the American nation thereafter developed into the mighty power which it is to-day.

On both sides of the Atlantic the great mass of the population is ill informed on the history of the other. Prejudice, passion, at times wilful distortion, have too often marked the tale of the relations between Great Britain and America. Hostility has been engendered, bitterness aroused, hatred excited between the two, when the very opposite should have been the case. Impartiality has had slight chance: a mistaken form of patriotism has ousted it. Of late years, however, a change in this respect has become manifest in the United States, and history has been purged of much that disfigured and polluted it. The clamour of the interested politician is no longer listened to with the old readiness. A clearer

perception of what Great Britain is, stands for, does in this world, has come to the Americans. The reunion of the two countries violently separated in the tumultuous years of the close of the eighteenth century is hailed with joy and thankfulness by the best minds on both sides of the ocean. Briton and American have fulfilled Jefferson's hope and belief, and, having fought in the same holy cause, should be knit together in an affection and brotherhood which shall work for the safety and peace of the world at large.

It is to enable Britons to understand the Great Republic of the West, to understand the character of the men and women who inhabit the vast continent, to know how separation came about and how gradually the two nations drew together again, that this unpretentious book is written by one who, next to his own dear land of Britain, loves America.

To American as to English historians he owes grateful thanks: to them he has constantly turned and from them has always learned. To his American friends and companions during his many years of residence among them, he owes the happiness of having learned to know and admire and respect the great American nation.

# THE MAKING OF AMERICA

## I

### DISCOVERERS AND EXPLORERS

THE Argyll clansman's saying : " It's a far cry to Loch Awe " may well be paraphrased with regard to Mahomet II, the Conqueror, for it is a far cry indeed from Constantinople to the United States of America. Yet when on that fateful day, May 29, 1453, the Ottoman Sultan gave the command for the assault which was to make him master of the Byzantine capital, he was, all unknowingly, preparing the way for the discovery of the New World and the establishment there of the mightiest Republic the world has known.

The dwellers in Europe—in those days emperors, kings, princes and the higher clergy alone counted—had acquired a marked taste for the products of the Far East and the manufactures of the Oriental nations. The spices and silks, gold and



jewels that were brought across the great continent to the Mediterranean, to Constantinople, Venice and Genoa, thence to be distributed throughout Europe, had become necessities to the wealthy and powerful. The fall of Constantinople and its occupation by the Ottomans barred henceforth the way to the caravans and fleets, and a new road to the East had to be found.

The two great sea-powers at that time were Spain and Portugal, and their situation on the Atlantic spurred them on to seek a way of reaching India and China. The amazing accounts of the wealth of these lands and others bordering on them which Marco Polo had given in the famous book of his travels, excited the cupidity of Spaniard and Portuguese alike. Marco Polo had spent a quarter of a century in those far countries; he had held high office under the great Tartar Khan Kubla; he had seen the marvels he described, the treasures he dilated upon, and it was plain that the first European comers into these regions might speedily enrich themselves.

The Portuguese, under the lead of Prince Henry the Navigator, strove persistently to discover a road round Africa, pushing on a little farther year by year, till, in 1486, Bartolomeu Dias forced his way past the Cape to which he gave the name of Cape of Storms and which we know as the Cape of Good Hope. But Dias

did not make India : his crew refused to adventure farther into unknown seas, and while he reached a point beyond Algoa Bay, it was left to Vasco da Gama to achieve the longed-for triumph. Vasco sailed from Lisbon on the track of his predecessor, doubled the Cape in his turn, and anchored at Calicut, on the south-western shore of Southern India, in May, 1498. Thereafter the Portuguese pushed on till they commanded the trade of the East.

Meanwhile other explorers were at work in other directions, and they were to reveal to an astounded Europe the existence of a New World, of a vast continent destined to become the home of millions.

Most people, in those "good old days," believed the earth was flat, and scouted the theories of those, few in number, who, following the lead of Aristotle, held that it was round, though even they had no notion of its real size. Of these men was Behaim, an early German geographer, who made a globe representing the earth as he conceived it to be : with the Azores close to the coast of Nova Scotia, and Japan—Cipango, as it was then vaguely known—cutting across Lower California and Northern Mexico. There was also a learned Italian, Toscanelli, with whom Columbus corresponded when he was thinking of sailing across the Atlantic to India. Toscanelli drew a map, unfortunately no longer in existence,

which showed a fairly clear course to the coveted countries across the untraversed ocean.

Armed with this and fortified by his own abiding conviction that India lay not far off in the West, Columbus, after many difficulties in securing the necessary backing for his enterprise, set sail from Palos, on the Spanish coast, in August, 1492, made for the Canaries, and thence very boldly adventured into the unknown Sea of Terrors. In the early morning of October 12, land was in sight, and proved to be a wooded island, on which Columbus and his men gladly and triumphantly disembarked, the first Europeans to behold the New World, save the Norseman, Leif Ericsson, who, in the last year of the ninth century, had struck the bleak coast of the Labrador.

The news of the wonderful discovery of this, for the times, speedy route to what was believed to be India, although in reality it was a very long way from it, spread rapidly through Europe when Columbus returned to Spain.

Columbus made three other voyages, in the course of which he discovered Jamaica, explored the coast of Cuba, reached South America, anchored in the estuary of the Orinoco, followed the shores of Central America, and heard reports of yet another sea, farther to the westward. That was the Pacific, which was first seen by Balboa on September 25, 1513.

It has often been said that the new continent should have borne the name of the man who revealed it to the Old World. It was another Italian who obtained the honour, and without seeking it. Amerigo Vespucci, of whose actual discoveries little is known and much conjectured, did not confine himself to exploration : in 1504 he wrote a letter about what he had seen, and a copy of it fell into the hands of a German scholar and geographer, Martin Waldseemuller. In his turn he wrote about the new continent, drew a map of it and thereon put the name AMERICA.

It was not very long ere men were forced to the conclusion that, whatever the New World might be, it was certainly neither India, China nor Japan. Cabral, bound to the East Indies, and driven from his direct course, discovered Brazil, while Magellan, sailing through the Straits which bear his name, proved that a mighty continent, stretching from the far North to the extreme South, barred the way to the lands of legend and wealth.

But India and the distant East remained the goal, and, in the deep ignorance of the extent and character of North America which then and so long afterwards persisted, men became convinced that there was a way across the new lands by which India might be reached by a continuous sea voyage. So one after the other explorers diligently sought for the passage, every great



estuary they entered being, in their belief, the looked-for road. So Hudson thought of the splendid river that bears his name, so Cartier of the St. Lawrence. The hunt for the passage was carried on both in the North-West and in the North-East, yet it was not till the nineteenth century that Sir John Franklin at last did find it—and paid for his discovery with his own life and the lives of his crews.

The Spaniards lost no time in following up the discoveries of Columbus, one expedition following another as soon as the results of the daring of the Genoese sailor became known. They settled mainly on the islands, passing thence to the mainland in Mexico and Central America, later pushing across the Isthmus to Peru. Gold was their great object, and the tales of the marvellous richness of the lands to the north led them to seek the precious metal there also.

The earliest known Spanish explorer of the North American continent is Ponce de Leon, who coasted along the peninsula of Florida, returning thither in 1521 with a number of settlers, but this colony speedily came to naught. Others essayed in their turn: one Gomez sailed from Labrador to North Carolina; a little later an attempt was made to establish a colony on the James river, which flows into Chesapeake Bay, but that also failed lamentably. In 1528 a bold adventurer, Narvaez, started with an expedi-

tion into the interior from the coast of Mexico. He vanished, and it was years before any of the survivors turned up, with the usual exciting tales of the abundant wealth to be found in those mysterious regions. This led Mendoza, viceroy of Mexico, to dispatch Friar Marcos to secure the hoards of gold reputed to exist in the magnificent Indian "cities" described by the returned explorers. Marcos failed, very naturally. Then Coronado went forth in his turn, and traversed a considerable extent of country, going as far as Southern Kansas, and entering many of the so-called Indian "cities," which were in reality no more than villages, or *pueblos*, as the Spaniards called them, and in none of which were to be found the fabled hoards of gold and precious stones.

Meanwhile another expedition, under de Soto, had launched out into Florida, and for three years drove on through the southern portions of North America as far as the Mississippi. Like the others they found no treasure, but they did find wandering tribes of Indians, some very war-like, with whom they had continual fights. De Soto died and the survivors made their way down the Mississippi and thus back to Mexico. The Spaniards had had enough of the northern continent, and turned their attention to the south.

Exploration was not confined to the Spaniards, although they claimed exclusive possession of

the whole continent. The lure of the New World drew the other seafaring races, the French and the English, equally, although, at the outset, neither of them rivalled Spain or Portugal as maritime powers.

Of these two nations, destined later to become irreconcilable rivals on the North American continent on the one hand and in India on the other, the English were the first on the coast of the former, John Cabot sailing in 1497 from the famous port of Bristol, with a commission from Henry VII. He landed in Labrador, Newfoundland or Cape Breton—it is still in dispute which of these. Of course he believed he had reached China, as did every one, for some time longer, who made those coasts.

If it were not Cathay, as was later reluctantly conceded, it must at least be close to it, and it was the search for the passage that *must* exist which led the French to make their first serious explorations of the northern portions of the land.

Francis I, the rival of Henry VIII, was equally covetous of glory, and in his turn he dispatched another Italian sailor, Verrazano, in 1524, to find new territories and secure them for the Crown of France. Verrazano reached the American coast in the vicinity of Cape Hatteras, sailed northward, put into the harbours on the shores of which, in future years, were to rise New York

and Newport, kept on till he made the peninsula of Nova Scotia, and then returned to France.

Nothing came of this voyage till 1534, when a Saint-Malo sailor, Jacques Cartier, set out in his turn. He struck the Newfoundland coast, sailed through the Straits of Belleisle, then, apparently, free from ice, ran along the southern Labrador coast, crossed the Gulf and discovered Prince Edward Island—long known as the Isle of Saint John—and ventured up the Gulf itself as far as the large island of Anticosti. In the following year, he returned, entered the Saguenay, the great stream which flows into the Saint Lawrence from the north and at the mouth of which now stands the town of Tadousac. Continuing on his way up the Saint Lawrence, he reached Hochelaga, the great cliff rising sheer from the water, at the foot and on the summit of which Quebec was subsequently founded, proceeded still farther till he reached the dangerous rapids later called La Chine. And he believed he had found the passage to China. The hill, a few miles lower down, rising from near the river bank, he called Mount Royal, and on the strip of shore at its foot a party of missionaries, men and women, later founded Montreal, now the commercial capital of the Dominion of Canada. Like the Spaniards in the south, he sought to establish a settlement, but it shared the fate of nearly all such efforts at the time, nor was there effective



settlement on the Saint Lawrence till 1608.

The awful cold of the winters in the north told against these attempts, and when Admiral Coligny, he who was massacred on the night of Saint Bartholomew in Paris, endeavoured to found a colony to which his Huguenot co-religionists might emigrate and there dwell in peace, he tried the South: first, the magnificent bay on which Bahia stands, but the Portuguese, who ruled Brazil, would have no intruders, and the colony of 1562 failed. A second attempt, in Florida, was equally unsuccessful, the settlement being mercilessly wiped out by the Spaniards in 1565.

Brazil had been discovered, as has been said, accidentally by Cabral. Between the Portuguese and the Spaniards contention arose as to the extent of their possessions in the Far Seas, each claiming the earth, practically. Spain called upon Pope Alexander VI to demarcate the boundary, but Portugal "distinctly" repudiated "the incidental arbitration of the Pope." The question was settled by the Treaty of Tordesillas in 1494, by which Brazil came under the Portuguese Crown.

Far less powerful at sea than either of these countries, England was not disposed, nevertheless, to accept the Papal decision or to submit to the provisions of the Treaty of Tordesillas. Spain established a rigorous protective system, forbidding ships of any nation from approaching

her transatlantic possessions. But the men of Elizabeth's day were not minded to regard any such interdiction, and first Hawkins and next Drake boldly broke into the forbidden seas.

The spirit of adventure and exploration had taken firm hold of the nation: voyages became more and more frequent, the explorers striking out in different directions. The very fact that the Spaniards and the Portuguese between them barred the road to India, or what was believed to be India, strengthened the resolve of the English to discover a new route thither for themselves. It was a matter of absolute faith that a passage by sea existed through the new lands, leading directly to Cathay and the Indies and the Spice Islands. It might be in the north-west or the north-east, but that it was there was a certainty. The difficulty was to find it.

The North-East passage was first sought. In 1553 Sir Hugh Willoughby, with three ships, started in that direction. His squadron was caught in the ice off the coast of Lapland, with the exception of the vessel commanded by Richard Challoner, his chief pilot. The ships and crews were lost, but Challoner made his way overland to Moscow and there opened a lucrative trade.

In 1576 Frobisher essayed the North-West passage, discovered the bay that bears his name, but did not get through.

In 1577 Drake—the Dragon, as the Spanish

Dons called him—started on his famous voyage round the world, sailed into the Pacific, where he wrought sad havoc on the Spaniards, reached the coast of North America in the vicinity of San Francisco, went even farther north and called the country New Albion, then returned by way of the Cape, arriving home in 1580. He had, even before this audacious flouting of Spain, inflicted much loss and contumely on that proud country, and Philip II, who now wore the crown of Portugal as well as that of Spain, and was therefore at the head of the mightiest navy and the richest realm in the world, determined to punish England. He was not the first and was not to be the last to attempt crushing tactics and to fail.

The story of the Invincible Armada, which was to effect his purpose, need not be recapitulated here. The destruction of the mighty fleet justified the English in their resolve to disregard the Spanish claims to the monopoly of the American continent, and ere long serious attempts were made at colonization in the more favourable regions, although exploration in the North was not abandoned and our first colony was actually planted in there by Sir Humphrey Gilbert who, in 1583, reached Newfoundland with his squadron of five ships, being lost at sea on the return voyage. John Davis did not colonize, but he was a most successful explorer, making three voyages

to the Arctic, discovering the Strait and the bay named after him, and in 1592 discovering the Falkland Islands, now memorable in our history as the scene of the destruction of von Spee's German squadron during the Great War. Davis was killed in the Far East, in the Straits of Malacca, when accompanying Michelborne in his expedition.

It was with Raleigh that the settlement of North America was actually and effectively begun and that the first great colony, destined later to be one of the most important States of the Union, came into being.



## II

### THE ENGLISH COLONIES

VIRGINIA was the first permanent colony established on the coasts of North America, but the beginnings were unfortunate. Raleigh had sent Philip Amadas and Arthur Barlowe in 1584 to explore the coast, and on their report fitted out an expedition, under the famous Sir Richard Grenville, which was landed on Roanoke Island. The members of the new settlement were in many ways unfitted to found a colony in a new land, the resources of which they were utterly ignorant of. The consequence was that when the supply of food gave out they would have starved had not Sir Francis Drake rescued them. Grenville returned later and left another group of settlers who fared no better.

Raleigh next interested a number of wealthy men in his scheme and once more sent a large expedition. It landed on Roanoke Island, instead of on the shores of Chesapeake, Bay and ere long vanished so completely from the face of the earth that the only trace ever found of the settlers was

the name CROATAN cut in the bark of a tree.

Raleigh was now out of favour at Court and saw the King seize all his property including Virginia. James I proceeded to grant a charter—the first Virginia charter—to a corporation composed of merchants and others, residing some in London, some in and near Plymouth, and called the Virginia Company of 1606. He granted to it all the territory between Cape Fear and the Bay of Fundy. Later two companies were formed out of the original: the London and the Plymouth, the former being assigned the land from Cape Fear to the Potomac, the latter that from the Hudson to the Bay of Fundy.

In May, 1607, the first expedition dispatched by the London Company reached the Capes of the Chesapeake, and, avoiding the mistake of landing on Roanoke Island, settled on the banks of the James River, giving the place the name of Jamestown. At first all the settlers worked in common, the crops raised—such as they were—being pooled for the benefit of the community. The system speedily failed, and in 1611 Sir Thomas Dale, the new governor, granted each settler three acres of land for himself. That was the foundation of the later prosperity of the colony, together with the introduction of tobacco planting, which became the staple product of Virginia.

By 1619 the Puritans in England obtained control of the London Company, and Sir Edward

Sandys, a member of the House of Commons, became Treasurer. One of the first orders he issued to Sir George Yeardley, the new Governor, was to summon two burgesses, freely elected by each plantation, to meet with him and form a General Assembly. This important step was the initiation of self-government in North America. The General Assembly met for the first time in 1619 at Jamestown.

Henceforth Virginia was destined to play a leading part in the development of the new country, along with Massachusetts in the north. These two colonies took the lead at the time of the Revolution, although they differed essentially both in the character of their colonists and in the manner of their foundation.

The climate of the North, or of New England, as it is generally called, is sensibly different from that of Virginia, where the winters are mild. The north-eastern coast has very severe and long winters, and the summers are extremely hot. The finest season is the autumn, or fall, as it is termed. There is practically no spring, the transition from the rawness and cold of winter being very sudden.

It was on this coast that the next great settlement took place, and the character of the emigrants affected the colony for generations afterwards. Religious tolerance was a thing unknown in those days. In Roman Catholic countries Protestants

were persecuted ; in Protestant lands the Roman Catholics shared the same fate. Even among Protestant bodies, as in England, ruthless persecution was rife. Many men and women in England were opposed to the practices of the Church of England, and worshipped in their own fashion. These Separatists, as they were termed, determined to emigrate to Holland, and did so in considerable numbers. But they remained English at heart and dreaded seeing their children grow up Dutch.

They therefore determined to emigrate once more, and to a land where they could worship God in their own way. Having obtained permission to settle in Virginia, they sailed from Plymouth on September 16, 1620, and after a dreadful passage across the Atlantic, reached the coast of Massachusetts, off Cape Cod, on November 21. Exploring the shores, they at last determined to settle inside Plymouth Harbour, where they founded the town of that name. It was on December 21 that they landed there.

This part of the country was outside the bounds of the Virginia Company, and the Pilgrims, as they are called, thereupon entered into a mutual compact, known as the *Mayflower* Compact, from the name of the ship, by which they declared themselves loyal subjects of the King of England, and made provision for the good government of the colony, binding themselves to the due observ-



ance of the rules thus enacted. This was self-government.

From this beginning developed representative government, which was established in 1628. The founding of additional towns and the difficulty of assembling all the voters together led to the selection of representatives from each settlement. At the same time the franchise was gradually restricted in order to prevent any but members of the church from voting.

The new colony was soon enlarged by the arrival of a numerous company of Nonconformists, led by John Winthrop, an able and wealthy man. In 1628 he and his friends obtained a grant of land from the Council for New England, comprising the territory between a line three miles south of the Charles River and a line three miles north of the Merrimac. This grant like nearly every one in those days of profound ignorance of the extent of the continent, extended from the Atlantic to the Pacific. The king confirmed the grant by royal charter, and in this instrument conferred upon the Massachusetts Bay Company large powers of self-government. A significant omission was that of the provision that the meetings of the corporation should be held in England. This enabled John Winthrop and his companions to take the charter across the Atlantic, which they did in March, 1630.

The new colony was a success. In the year

1630—the charter was granted in 1629—no less than one thousand emigrants flocked to it, while within ten years the number rose to twenty thousand. Towns were founded, among others Newtown, later called Cambridge, in honour of the University town in England.

Very early democratic ideas became apparent in the government of the colony. By the provisions of the charter the powers of government were confined almost exclusively to the freemen, or stockholders of the corporation, and of these not many were at first resident. Even when in 1631 their number was increased by the admission of one hundred and sixteen others, it could not be said that the government was truly democratic. At the same time it was ordered that only members of the Puritan church should become freemen. Undoubtedly this was a form of intolerance, but it must be borne in mind that the express purpose of the founders was to secure Puritan worship in the colony. The freemen themselves, however, while retaining the religious qualification, repealed the laws limiting their powers and made thus a considerable advance towards real democracy. They set up a representative system, under which the freemen in each town elected two of their number to represent them in the General Court.

This march towards popular government excited serious apprehensions in England, and efforts were made to check it, but the troubles at home

distracted attention from colonial affairs and Massachusetts went on its way practically undisturbed.

The religious restriction was the immediate cause of the founding of the first colony in America in which absolute religious freedom was made the basis of government. An able Puritan minister, Roger Williams, who had emigrated to Massachusetts, opposed the limitation and attacked at the same time the legality of the land titles, claiming that the king had no power to grant territory that belonged, if it belonged to any one, to the Indians, the natives of the country. The result was that Williams was expelled and started a colony of his own south of the Massachusetts line, buying the land directly from the Indians without reference to the Home authorities. In 1636, the year of the founding of Harvard University at Cambridge, he founded the town of Providence. The constitution of the new colony proclaimed equality in the state and absolute religious freedom. It is thus the most important among the early instruments of government and is the basis of one of the cardinal principles of American government: the total separation of church and state.

Another colony was established by another protestant against the narrowness of the Massachusetts franchise: Anne Hutchinson, an extremely able and determined woman, who made herself

so obnoxious to the Massachusetts authorities that she also was banished. She settled Portsmouth and Newport on Rhode Island. Other colonists, dissatisfied likewise, broke away from Massachusetts, and established themselves in the lovely and fertile valley of the Connecticut river, founding the towns of Windsor, Hartford and Wethersfield. In the winter of 1638-39 the heads of the colonists in these three towns met and drew up the Orders of 1638-39, which Lord Bryce terms "the first truly political written constitution in history."

In Connecticut, as in Rhode Island, there was no religious restriction to the franchise.

The next step was a union of the colonies in 1643. Massachusetts, New Plymouth, Connecticut and New Haven—the latter subsequently absorbed by Connecticut—formed a loose sort of confederation for mutual help and support against their common enemies: the Dutch, the French and the Indians. The bond between them was in fact of the slightest: each colony was entitled to send two representatives to the meetings of the Confederation, a provision which burdened Massachusetts unfairly since she had to contribute more men and money for the general defence than her associates. The union did, however, accomplish in the main what it was intended to do, although Massachusetts eventually refused to be bound by the vote to take part in an Indian war. This



was an indication of the spirit which, in later times—at the Revolution and after Independence—threatened the very existence of the States, and in 1861 led to the great secession and the outbreak of the Civil War.

In another respect also this spirit of independence manifested itself, and this time with regard to the Home authorities. The Puritans had gained power in England, and were anxious to further the interests of their fellow-religionists on the other side of the Atlantic. But these proposed to go on their own way without aid from home, of which, indeed, they were suspicious. So while in 1643 Massachusetts determined to omit from the magistrate's oath the declaration of allegiance to the king, it would not insert in its place any declaration of allegiance to the Long Parliament. It went farther: when the leading Puritans at home offered to pass in Parliament any legislation desired by the colony, John Winthrop declined the proffer "lest in . . . after times . . . hostile forces might be in control, and meantime a precedent would have been established." This was naught else than an anticipation of the action of the same colony when, a century later, it refused to acknowledge the validity of the Stamp Act.

It is interesting to note the influence of the desire for religious freedom in the establishment of colonies in America. That does not mean

religious toleration in every case, for the Puritans, as has been seen, would not admit of other communions in their midst. It was rather the desire for freedom of worship according to the faith of the colonists, but it bore fruit in a larger conception which was first illustrated in the case of Rhode Island and next in that of Maryland.

George Calvert was a Yorkshire gentleman who held the office of Secretary of State in 1619, but resigned it in 1625 when he became a Roman Catholic. He was created an Irish peer under the title of Lord Baltimore, and interested himself in emigration schemes. His first venture, in Newfoundland, was a failure, and he then obtained a grant of territory north of the Potomac. The colony was a proprietary one, that is, the owners ruled it under charter from the king and had the power to make laws and levy taxes. There was an important limitation to this: the consent of the freemen was necessary, and these had therefore to be summoned to an assembly representing them all.

Lord Baltimore's purpose was to make his colony a refuge for his fellow Catholics, but many Protestants and not a few Puritans formed part of the population. When the Puritans gained the upper hand at home and it seemed probable that those in Maryland would seek to impose their ideas on the colony, the Maryland Assembly passed an act providing that no Christian should

be in any way molested in respect of his religion. While some trouble did occur when the Puritans were in power, the rule was speedily restored and religious freedom remained a characteristic of Maryland.

The next important colony, indeed the third most important after Massachusetts and Virginia, was Pennsylvania, which, like Maryland, was founded by a man whose religious convictions were strong enough to lead him to adopt a form of worship then held in contempt.

William Penn was the son of that fine seaman, Admiral Sir William Penn, who commanded the fleet at the capture of Jamaica, and in 1665 won a victory over the sturdy Dutch. He obtained from Charles II and James, Duke of York, a considerable extent of territory on Delaware Bay and westward therefrom. The new colony, like Maryland, was proprietary, and Penn had the right to make laws for its government, subject, however, to the provision that these should be submitted within five years to the king, who retained the power of veto. Another essential difference was that in Maryland the Crown had divested itself of any right to levy taxes within the colony. Religious toleration was guaranteed, as this was essential to the protection of the Quakers who were to form the bulk of the population, and whose influence was long the strongest in the colony.

New York, nowadays termed the Empire State, was not for a considerable period of time one of the important colonies. It was originally a Dutch settlement, founded on Manhattan Island by the Dutch, in whose service Henry Hudson had sailed when he discovered the magnificent river that bears his name. Far up the river the Dutch established a trading post, which grew subsequently into the city of Albany, now the capital of New York State. The Dutch rule was distinctly autocratic, and the introduction of the patroon system—somewhat similar to the manorial system—did not improve conditions for the bulk of the population of New Amsterdam, as the settlement on Manhattan was called. Among the settlers were many English who came in from the colonies on the north and the south.

The existence of this Dutch power between the northern and the southern English colonies was recognized as a danger, and in 1664 New Amsterdam surrendered willingly enough to an English fleet. The name of New York was given to it and to the colony in honour of James, Duke of York, to whom his brother, Charles II, gave it. English rule proved beneficent and the colony grew apace and flourished exceedingly.

James, in his turn, conferred a handsome part of his new possession upon two of his favourites: Sir George Carteret, who had recovered Jersey from the Parliamentary forces, and Lord Berkeley.



This part received the name of New Jersey, and religious freedom and a legislature were established. The colony was afterwards divided into two parts, then politically united to New York, though retaining its own legislature.

Delaware was originally settled by Swedes in 1638; passed under the control of the Dutch in 1655, and with New York came into English possession in 1664. The Dutch reconquered New York and Delaware later on, but in 1674 had to abandon both to the English. Then Delaware, in 1682, was united to Pennsylvania under one governor, though retaining its separate legislature, from 1703 till the Revolution.

North and South Carolina, known at first as the Carolinas, were also proprietary provinces originally, the whole land, in 1663, between Virginia and Florida, being granted to a company of eight gentlemen, chief among whom were Lord Albemarle, Lord Shaftesbury and Sir William Berkeley. In this case also the grant included a provision for a representative assembly of the freemen. The division into North and South brought about, in 1670, the foundation of Charleston in South Carolina, with a liberal constitution. The rule of the proprietors, as in all other cases, became onerous to the settlers, and between 1719 and 1729 came to an end, the colonies being turned into royal provinces with a governor appointed by the Crown.

Georgia was founded by General Oglethorpe, in 1732, as a settlement for poor debtors languishing in English prisons. It also ultimately became a royal province.

New Hampshire was originally part of Massachusetts, having been united to that province when only two settlements, Portsmouth and Dover, existed. It was constituted a royal province in 1679 and finally separated from Massachusetts in 1741.

### III

#### LIFE IN THE NEW WORLD

ONE of the causes which subsequently led to the separation of the American Colonies was the great difference in life in England and in America. The dwellers at home could not realize this difference and all it involved in making the Americans so resolute to manage their own affairs without interference from outside.

To the Briton who to-day travels through the United States it is not possible to grasp fully the appearance of the land at the time the Colonies were developing, for where now he sees splendid cities and rich farms were, in those days, dense forests, vast prairies and great swamps. He travels by rail or automobile or steamboat, in utmost comfort and luxury; he communicates with his friends by telephone and telegraph and submarine cable. In brief, he is continually in touch with his people at home, and the daily press keeps him informed of events the world over.

There were none of these conveniences till long

after independence had been won, and the lack of such means of communication as we now possess was responsible, in part, for the War of 1812.

To-day the whole of the country has been surveyed and mapped, and every part of it is well known. But even so late as the middle of the eighteenth century the existence of the Rocky Mountains was not suspected, and it was not till Cavelier de la Salle, the French explorer, ascertained the real course of the Mississippi that the fabled Great Bay of the West ceased to be believed in.

For a long time the forbidding wall of the Alleghanies formed the boundary of the English colonies on the west. Its frowning precipices, its rugged ridges, its dense forests constituted an obstacle similar to that of the Blue Mountains range in Australia, and prevented settlement farther west. To the north lay Canada, the French possession, with its mighty St. Lawrence river issuing from the Great Lakes. Several important rivers flowing from north to south afforded means of communication: the Merrimac, the Connecticut, and especially the Hudson, the headwaters of which are separated but by a relatively short distance from Lake Champlain and the Richelieu river, which flows into the Saint Lawrence. This was the main route between Canada and the seaboard, and along it the French expeditions and the Indian raids swept to the attack.



The Delaware and Susquehanna, the Potomac and the James and the Roanoke were other large streams flowing from the Alleghanies into the Atlantic, and like the others affording a ready means of penetration into the centre of the Coastal plain.

The coasts differed as one progressed from north to south. In the north, reefs and occasional sandbanks and fine deep water harbours mark a rock-bound line. From Long Island southwards, the inland border is rocky, and there is a fringe of low sand beaches and spits with salt lagoons or marshes between them and the mainland. Great bays, such as the Chesapeake, make a break here and there, while the outer banks form the danger points known as Cape Fear, Cape Hatteras and Cape Lookout. Inland from the marshes are the pine barrens, characteristic of Virginia and the Carolinas, and inland from these the rich and fertile lands.

Naturally the character of the land and the nature of its products influenced the life of the settlers. In New England, accessible from the sea from one end to the other, fishing early became a flourishing industry, while the great forests that covered the larger portion of the territory compelled the emigrants to become lumbermen as well. To raise crops the farmer had to clear the ground, and in New England harvests were, as a rule, indifferent. But the situation of the colonies

on the seaboard turned the attention of the men to fishing, and very early the industry became one of the mainstays of the population. Gloucester is to-day the great fishing port. Again the New Englanders became mechanics, and later manufacturers, although they suffered from the prohibitive policy of the Mother Country, whose manufacturers sought to retain the monopoly in their hands.

Crops were better and larger in the Middle Colonies, such as New York, New Jersey, Delaware and parts of Connecticut. Not only Indian corn, or maize, but wheat was grown successfully. The situation of New York city on Manhattan Island, at the mouth of the noble Hudson, gave it the importance as a seaport which has since placed it at the head of commerce on the Atlantic seaboard. Philadelphia also had a large seaborne trade, and Baltimore was not far behind. Pennsylvania, now famous as a mining and industrial State, was at first almost wholly a farming colony, where great crops rewarded the labour of the farmer.

The Southern colonies were entirely distinct in every way. Little food was grown, beyond what was required for the needs of the plantations. Virginia had discovered a source of considerable wealth in the raising of tobacco, and practically devoted all its efforts to that. Indeed tobacco became the medium of exchange, and one of the

famous trials, shortly before the War of Independence, arose out of the value of the "weed." The plantations were of large size ; the labour was furnished by negro slaves, the numbers of which were constantly augmenting. These had soon replaced the cheap indentured labour of whites, and in the development of slavery throughout the South lay a menace to the ultimate success of the Union once it was established in 1738.

The Carolinas and Georgia grew some tobacco—in North Carolina—but their staple products were rice and indigo. The former needs wet ground, and in this case again negro labour proved the cheapest and the most easily controlled.

The social life differed in like manner. In the New England colonies the main source of difference between the people was the difference in wealth. It is true that families prided themselves on their English ancestry, and to a certain extent some of these families constituted a very modified form of aristocracy. But the general tendency was distinctly democratic, and already the present day test was applied : if a man " made good " he was sure of his position. Further, the religious beliefs of the great majority of the inhabitants, who were Calvinists, tended to the maintenance of the sense of equality. There was not, and there could not be anything resembling the social distinctions so deeply rooted in English life. Even the Church of England, which had difficulty in maintaining

itself, could not enforce upon the people the article of its catechism to "behave themselves lowly and reverently" towards "their betters." The "betters" were not recognized.

In the Middle Colonies town life and country life were more unlike. The merchants were in touch with England; their oversea trade was with her; their connexions close and their interests lay in maintaining them unimpaired. It was from England that they drew many of their ideas, their fashions, their ways of thought. The country people, on the other hand, were indifferent both to England and to the townspeople. They were essentially democratic; they wrought mightily with their own hands; they cleared the land, raised the crops, marketed them, and felt independent, as in truth, they were.

In the South aristocracy dominated. The planters worked not, neither did they plant. Masters of large numbers of slaves, they were content to direct them and to reap the fruit of their labours. They were themselves the ruling class, quarrelling with the royal governor at times, drinking heavily with him at others, and always among themselves. They also maintained their relations with the Motherland: they sent their sons home to be educated; their wives and daughters braved the perils of the deep to enjoy the life of the old country. Many of them belonged to old English families, and were proud of the



fact. They did their business directly, for the most part, with their own correspondents in London. The great bay of the Chesapeake, with its many rivers flowing into it, gave ready access to the plantations themselves, and the ships came up to the planters' wharves to load their cargoes.

The South Carolinians did not, like their Virginian neighbours, live on their plantations, save for a short time each year. They resided mainly in Charleston, the capital of the colony, which was also the chief seaport and from which the rice harvest was shipped to England. They formed among themselves a strongly organized oligarchy, stronger and more closely knit than was the case in any other colony, not excepting Virginia.

Reference has been made to slave labour. It is curious that the first introduction of slaves of negro blood into the American colonies occurred in the very year that saw the first representative Assembly summoned together in Virginia. Up to that time and afterwards white labour was the main reliance of the planters. That white labour consisted in part of criminals deported from England and bound to service for life or a term of years, in part of children and young people kidnapped and practically sold into slavery, in part of persons who, desirous of reaching the colonies, there to make homes for themselves, were

unable to find the cost of the long journey. These entered into labour contracts for a term of years, and proved excellent immigrants as a rule. They were known as "Redemptioners" or "Free Willers," and on the expiration of their term of service were started on life by a grant of land from the colony and of implements by their former employer.

Negro slavery soon displaced most of the white labour. The importation of slaves from Africa became a recognized business in which men saw no evil. The North, as well as the South, profited by it, for the merchants of New York and Boston found the ships and crews and often assumed the entire risks of the ventures. The hold this business had on the philanthropists and preachers of human equality in the North before and even after the winning of independence, may be judged from the fact that it was found impossible to insert in the Declaration the clause drafted by Jefferson looking to the condemnation of the slave trade.

Both the importation of negro slaves and that of convicts, the latter more particularly, were objected to by more than one in the colonies, but the King and his ministers held stubbornly both to the maintenance of the slave trade and the perpetuation of the use of some of the colonies as penal settlements—or what amounted to the same thing. It will be seen later that even after

Lord Mansfield's celebrated decision in the Somerset case the British Government insisted on maintaining the slave trade to America.

Apart from the desire to found new homes amid more favourable surroundings than existed for them in the old country, very many immigrants were influenced by religion. The total lack of religious freedom, whether under Episcopalianism, Puritanism or Roman Catholicism—during its brief sway—in England,—led many to seek, as did the Pilgrim Fathers, a chance for freedom of conscience and worship in the New World. The Pilgrims themselves, with their hard Calvinistic beliefs and intolerant attitude, had no intention other than to establish themselves where they could practice their faith undisturbed. They ejected any who, like Roger Williams and Anne Hutchinson, disagreed with them; they persecuted the Quakers, and would have none of the Roman Catholics. Thus New England failed to attract colonists indisposed to submit to the rigid Puritan rule.

The Roman Catholics and the Quakers were the worst off, and in Pennsylvania alone could they find a home where they would be really free. Even Rhode Island barred the former, and in every other colony they were practically outlawed, since they could not obtain the franchise and were subject to treatment of the harshest description. The Quakers ruled the roost in

Pennsylvania, not always to the advantage of the colony. Benjamin Franklin, who made his home among them, did not hesitate to say so.

It is extremely difficult for the average man of to-day to grasp the kind of life many men and women lived in those earlier colonial days. The farmer in the more settled parts of the colonies and the dweller in the towns were comparatively safe, and the nearness of aid in times of danger was an undoubted advantage, although towns themselves were not safe from Indian and French raids, as the fate of Schenectady showed.

But the backwoods man, the pioneer, literally took his life in his hands, for the danger of death was continually present. Isolated, far from neighbours, he had to be incessantly on the alert. His wife, his children might at any moment fall victims to the tomahawk and the scalping knife. Many a tragedy occurred in the outlying districts; many a family was entirely wiped out by the sudden attack of the raiders. And apart from these perils there was the endless conflict with nature; it was no easy matter to clear ground enough to grow the food necessary for the family, and the storms, droughts, gales often played havoc with the work of the pioneer. Then the loneliness of the life has to be taken into account. Men and women alike had to be self-reliant, capable of dealing with emergencies, and this necessity bore



its fruits in the shaping of the hardy race which grew up with the years.

Communications, in the colonial days, were long imperfect, and to this, in part, must be attributed the lack of cohesion between the different colonies. Roads did not exist, and travel was by water or along the narrow trails made by the Indians and the fur-seekers. The rivers and lakes were traversed by the canoes of both ; or the coast craft of various rigs plied between the nearer ports or adventured to the fishing grounds off-shore.

Quite late in the history of the country—even as late as the outbreak of the War of Independence—it was exceedingly difficult to get from one part of the country to the other. The choice of towns like Philadelphia and New York for meeting places of delegates was due to the comparative facility of access which they presented. The expedition to Lexington and Concord does not appear to the sightseer of to-day a very remarkable affair, yet it was beset with difficulties at the time it was carried out.

In the South almost all travel was by the waterways, and there were few plantations at any great distance from the seaboard towns. The rest of the land was wilderness: vast forests, swamps, plains. Under these conditions grew and developed the energetic and resolute race of men and women who were ere long to vindicate

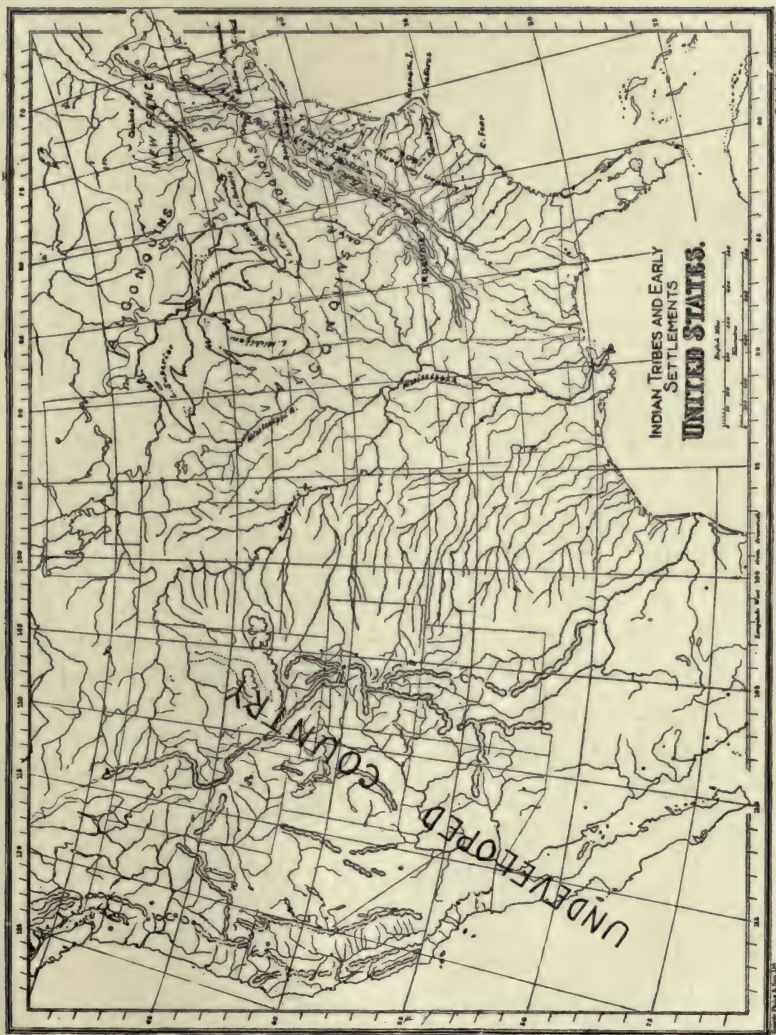
their right to life, liberty and the pursuit of happiness in accordance with their own ideas and not with the views and opinions of the ruling class at home, thousands of miles away.

## IV

### THE INDIAN TERROR

OUTSIDE of the students of Carlisle University and Hampton, and perhaps a few other individuals, the " noble Red man " of to-day is anything but an awe-inspiring figure. None the less, the savage of the earlier days was a real terror to the settler and even to the dweller in the towns of New England and other parts.

The natives of the North American continent were a race of hunters and warriors, for the simple reason that agriculture, though known and somewhat followed, did not suffice to feed them. It was easier to kill deer and other animals, and occasionally to fish in the streams. On the great plains the buffalo wandered in millions, and the Indians of that region—with whom, however, the early colonists did not come in contact—lived by the product of the chase, as did their congeners farther east. These also trapped the numerous fur-bearing animals in the woods, and ere long a







considerable and profitable trade was established between the colonists and the natives.

The Red men were not at peace with each other. Divided into tribes, rivalries and quarrels, blood feuds and revenge kept alive a spirit of warfare; and the real Indian was above all a warrior, leaving to the women—the squaws—the burden of living.

Three great races were spread over the land. In the north, on both banks of the Saint Lawrence and of Lakes Superior, Michigan and Huron, stretching down beyond the southern bank of the Ohio and reaching to the Mississippi, the country was occupied by the Algonquins, by far the most numerous of all. These were subdivided into many tribes, the more important of which were the Abenakis, Mohegans and Pequots in the east, the Ojibways north of the Great Lakes, the Chippewas, Miamis, Powhattans and Shawnees south of them, and the Delawares in the territory now known as the States of Maryland, New Jersey and Delaware.

South of these came the Maskoki, the principal tribes of which were the Chickasaws, Choctaws, Creeks and Seminoles, the latter inhabiting the Florida peninsula. But the most powerful and assuredly the most dreaded were the Iroquois, whose hunting grounds were set between the lands occupied by the Algonquins. They held the territory between Lakes Huron, Ontario and

Erie, on the north, thence across to the seaboard and up to a point about opposite the mouth of the Ottawa river.

Their tribes were the Hurons, the Eries, the former north, the latter south of the lake, the Susquehannocks on their southern boundary, and the famous and redoubtable Five Nations: the Mohawks, Oneidas, Onondagas, Cayugas and Senecas. The former inhabited the eastern extremity of the territory, the latter the western. That territory, physically, contained an important strategical feature: the depression at the northern end of the Alleghanies, between the Catskills and the Adirondacks, through which flowed the Hudson, forming the main line of communication between Canada and the seaboard. There was thus a broad route, unimpeded, to the Lake region. All along this extent of country the Iroquois ruled, the whole land, from the Niagara river to the Mohawk, being known as "The Long House."

The Five Nations formed a regular confederacy. Each tribe was self-governing, but sent ten chiefs to the Great Council of the League, at which the policy of the five tribes was determined. As warriors they were unsurpassed for bravery and ferocity, and the Iroquois was long the terror of the French settlers in Canada. Each tribe was divided into families, or clans, and several families lived together in their "long houses," but each had its own separate fire. The villages

were protected by powerful fortified posts, with palisades as much as twenty and thirty feet high, along the top of which was not infrequently built a platform from which missiles of all kinds were hurled at such as ventured to attack the Iroquois in their own country—an infrequent essay.

In the South dwelt the Tuscaroras and Cherokees, in what is now a part of Kentucky. The Tuscaroras were eventually taken into the Iroquois Confederation.

The Red Indian was a skilful tracker, like the Bushman of South Africa and the Blackfellow of Australia. Whether he always accomplished the marvels related by Fenimore Cooper and others may be questioned, but that he excelled in woodcraft and in the ability to conceal his own tracks and his presence is undoubted. It was this skill which made his alliance prized by the French and the English alike. As a warrior he was bold but mercilessly cruel. Like the modern German, albeit a long way behind him, he revelled in barbarous treatment of his prisoners, and the "female of the species was more terrible than the male." Torture of the most refined description was inflicted on captives, who, on their part, strove to maintain, amid all their hideous sufferings, a stoic disregard of pain, singing their death song while tied to the stake.

The Indian on the war-path was a fearsome object to look upon. Painted and bedaubed



according to the particular fashion of his tribe, feathers stuck in his scalp lock, stealing along noiselessly till within striking distance of his prey, and then attacking with loud and dreadful yells, it is no marvel that he was a terror to the whole border.

And as soon as he learned from the white man the use of firearms he became yet more formidable, and many a war was waged between the tribes and the colonists. Some of these wars are worth noting.

The first was the Pequot war in New England. These Indians all belonged to the great Algonquin tribe, and although rightly treated by the settlers they rose against them in the Connecticut valley, where they perpetrated dreadful atrocities, torturing their victims, burning them alive, or hacking them to bits with their stone knives. In 1637 the English practically swept the tribe out of existence, and peace reigned for a time.

A fiercer war, however, soon engaged all the energies of the inhabitants. Just as in India we found it impossible to avoid being mixed up in the rivalries and conflicts of the native princes, so in New England the settlers became involved in some of the feuds between the tribes. Three of these, the Narrangansetts, Wampanoags and Nipmucks, led by two famous chiefs, Philip and Canonchet, banded themselves together to ravage the settlements. In 1675 four villages in Ply-

mouth colony were destroyed and the inhabitants murdered or burned alive. The ravages of the Indians extended over all the territory between the Connecticut river to within a few miles of Boston itself. Altogether twelve towns were utterly destroyed, forty more were the scene of hideous massacres, while more than a thousand white men had been slain besides many women and children.

The rivalry between the French and the English was productive not only of the employment, by both sides, of the Indians as auxiliaries and allies, but led to sanguinary deeds which stain the history of those days. It was impossible always to restrain the maddened Redskins, and massacre followed massacre in consequence. In 1689, when the conflict between the two nations was bitter, the Iroquois laid siege to Montreal, making prisoners in their swift and sudden raids, and then, in plain view of the terrified French, roasting and eating their victims.

Frontenac, the most vigorous and the ablest Governor of Canada, made large use of the Indians in his repeated attacks upon the English colonies. He had singular influence over them. He sent them out against the village of Schenectady in February 1690, where they massacred sixty of the inhabitants. Settlements in what are now New Hampshire, Maine and Massachusetts, were ravaged and the dwellers therein slain

or tortured to death, the number of victims running into the hundreds. Haverhill was twice raided, and Deerfield most atrociously treated.

Later still, when Montcalm commanded the French forces and led them to many a victory, occurred the absolutely unforgettable massacre at the surrender of Fort William Henry, at the foot of Lake George, though some of the French officers strove to restrain the Indians. But the rule of France was drawing to a close, and when in 1759 Wolfe defeated Montcalm at Quebec, and in the following year Montreal surrendered, the tribes which had been allied with France found themselves abandoned to their own resources. Then it was that a famous chieftain, Pontiac, sachem of the Ottawas, exhibited a remarkable capacity for binding together all the Algonquin tribes and even inducing one of the Iroquois to enter the conspiracy destined to utterly overthrow the English. For two years the West was a scene of bloodshed and murder, the frontiers raided incessantly, settlers murdered, garrisons overpowered and slain. But finally Pontiac's war was brought to a close by "the fiercest battle ever fought between white men and Indians" at Bushy Run, in 1764.

During the War of Independence the Indians were again used, and again the frontiers saw blazing homes and murdered corpses thickly strewn. The most memorable occurrence was the devastation of the beautiful Wyoming valley in Pennsyl-

vania, where the Indians ran riot. The American colonists took deep vengeance in the following year when they overcame the Six Nations and burned two score of their villages.

After independence, with the continual pressing forward of settlers in larger and larger numbers into the plains and valleys, conflicts with the Redskins recurred frequently. The Indians were conscious that they were fighting for their very lives: they were themselves incapable of developing the country: hunters and warriors, they needed vast spaces, and these were being invaded more and more. So they fought with the rage and bravery of despair, winning, in 1790, a decisive victory near what is now Fort Wayne, and the next year smashing completely the forces of another American general on the upper waters of the Wabash.

The war of 1812 was marked by the Tecumseh war. Tecumseh was a famous Shawnee chief—the Shawnees then occupied parts of the Ohio valley—who formed a combination not unlike that which Pontiac had engineered, and with the same object. His brother, known as the Prophet, had been routed in 1811 by General Harrison at Tippecanoe, and when Tecumseh learned that war had broken out with Great Britain he hastened to offer his services to the British—capturing, among other places, Fort Dearborn, which stood where Chicago now is. After Perry's victory on Lake



Erie, General Harrison invaded Canada and defeated Tecumseh and the British, the Indian chief being slain.

By now the American settlers and pioneers had made their way into many different parts of the vast continent, and everywhere they came into collision with the Redskins. In the South-west the Creeks massacred the inhabitants of Fort Mimms, but were ultimately routed after a seven months' campaign by General Andrew Jackson at Tallapoosa in 1814.

Later other Indian wars broke out, but these were unmarked, necessarily, by alliance or co-operation with British forces. They were the outcome of the steady and irresistible onward march of colonization of the new territories which were being successively added to the Union, and to the crowding of the Redskins in reservations which ill replaced the great plains over which they had been wont to wander in pursuit of the buffalo.

## V

### THE FRENCH IN AMERICA

WHAT is loosely known as the imperialistic policy and generally believed to be of British origin because the British Empire has developed to an extent and a might unequalled by any other Power, is really of French origin, and was applied both in North America and in India long before extension of territory was attempted by the English. In both lands it was a settled object to secure control and possession of the countries, and to drive out, or at least confine within narrow limits, the English settlers and merchants.

From the outset, therefore, it was inevitable that the two races should come into conflict, and the certainty was assured by the antagonism of the principles on which the French colonies in America, on the one hand, and the English on the other, were established. The French colony in North America was a single colony; the English colonies were many and independent of each other, the one bond between them being

their common allegiance to the British Crown. The French colony was State-directed from the beginning to the end ; in the English settlements, on the contrary, were seen private companies and individual initiative. The French seized upon the river valleys of the Saint Lawrence, the Ohio, and the Mississippi, and the chain of the Great Lakes ; the English posted themselves on the seaboard and occupied all the important points and capes, leaving to the French, and but for a time, the coast of Acadia only. The French were mainly adventurers and explorers, ceaselessly roaming and venturing afar among the wild woods and the wilder tribes inhabiting them ; the English were essentially settlers, tillers of the ground, traders, seeking to make permanent homes for themselves. The French were subjects of an absolute monarchy that permitted no germ of independence to take root, much less to flourish ; the English colonists were resolute to maintain self-government, the principles of which they had brought with them across the Atlantic, and which they maintained and developed. The French were under the domination of a State Church, the power of which, like that of royalty, was absolute and unquestioned ; the English, for the most part, were Protestants and already largely tolerant, though not completely so ; they enjoyed religious freedom as they enjoyed civic liberty. The French sought the friendship of the savages, adopted their dress—or lack of it

—their customs, their mode of living, mingled familiarly with them, the great Governor, Frontenac, even dancing the war dance with them. The English treated the savages well on the whole, but maintained themselves as the superior race and did not adopt their rivals' methods. Eventually they reaped the larger benefit from this course. The French were missionaries, enthusiastic, determined, devoted, never deterred by the most horrible massacres, the most hideous tortures ; to them it was a matter of prime importance to bring the savages within the fold of the Church ; the English, on the other hand—with the striking exception of Eliot's remarkable work among the New England tribes—left them to their beliefs and superstitions. Finally, the French colony of New France was, from start to finish, wholly dependent upon the mother-country ; the English colonies, New England more particularly, were self-reliant.

It was in 1534, when Henry VIII was reigning in England and Francis I in France, that Jacques Cartier sailed from Saint-Malo, in Brittany, on April 20, made the Newfoundland coast, passed through the Straits of Belleisle, up the Gulf of Saint Lawrence, and landed in Bay Chaleurs, returning to France by the beginning of September.

In two successive voyages, one in 1535 and the other in 1541, he pushed farther up the great stream and reached the present sites of Quebec



and Montreal, passing the winter of 1535-36 near the former. A first colony planted amid the woods failed, and for fifty years no further attempt was made. The English were not more enterprising : it was not till 1576 that Frobisher sailed to the Arctic, to be followed by Davis, Hudson, Baffin and others, nor till 1583 that Sir Humphrey Gilbert took possession of Newfoundland, and two years later that Raleigh made his first attempt to colonize on the Atlantic seaboard. By 1600 not a single settlement, French or English, had taken root in North America.

In 1598 France renewed her endeavours. Just at the close of the century Pontgravé and de Chastes secured the services of the man destined to be the real founder of New France : Samuel Champlain, who, after a voyage in which he discovered Annapolis Harbour, in what is now Nova Scotia, proceeded, in 1608, to the Saint Lawrence and that summer founded the first permanent French settlement at Quebec. A year before the English had planted themselves at Jamestown in Virginia, and a year later the Dutch were entering the Hudson.

Champlain entered into an alliance with the Indian tribes in his vicinity, especially the Hurons and Algonquins, with a view to obtaining the mastery of the great inland waterways. Unfortunately for France, and most fortunately for Great Britain, he came into collision with

the most powerful Indian confederacy, that of the Five Nations ; later, after the adoption of the Tuscaroras, the Six Nations. These Iroquois, as has been said, were the greatest warriors in the land ; they had no superiors in endurance, bold conception, swift execution or remorseless cruelty, and they very soon thoroughly realized the value of the strategical position they occupied on the border line between the French and the English. They had an organization as well as a policy : they were doubly federated, first as members of the Five Nations, next as members of the eight clans which included these.

Champlain was essentially an explorer and sought diligently the famous passage which must lead to China and India, believing, indeed, that he had found it in the Saint Lawrence itself. Pushing up stream, he reached Lakes Huron and Ontario, and explored the Ottawa river. At Quebec he erected a fort, and thither he brought the first Roman Catholic missionaries, friars of the Récollet branch of the Franciscans. Ten years later, in 1627, came the Jesuits, determined partisans of absolutism and exclusiveness.

In that year, 1627, the various patents under which parts of New France were held, were all revoked, and the powers they had conferred passed to the Company of One Hundred Associates, of which the great Cardinal Richelieu was the head ; for the new organization was a State creation and

intended to remain under the exclusive direction of the State.

Conflicts with the British began early. In 1621 James I had bestowed upon Sir William Alexander, who sought to emulate English colonial successes, the whole of Acadia, which included Nova Scotia and New Brunswick with a part of Maine. When war broke out with France, one of his partners, David Kirke, defeated the French fleet of transports, and in the following summer of 1629 took Quebec, the British flag flying for the first time over the city on July 22. The country, however, was restored to France by the Treaty of Saint-Germain in 1632. Ten years later came the extraordinary foundation of Montreal by a band of religious enthusiasts, to whom must be given the credit of having been the only founders of a great commercial city started as a missionary enterprise.

The founding of Montreal was a direct challenge to the Iroquois, and they were not slow to take it up. They swept like a forest fire over the land, slaughtering, scalping, torturing. Then died a martyr's death the great Jogues and Brébeuf, but naught availed to stay the flood: the Huron nation, which had allied itself with the French, was practically blotted from the face of the earth, and Montreal itself was saved only by the desperate valour of Dollard and his companions at the Long Sault.

Talon, the greatest and ablest intendant and

administrator New France had, guarded against the Iroquois raids by planting soldier-colonists on the border. In 1665 there came out the first regiment of French regular troops which Canada had yet seen: the famous Carignan-Salières, which had won its laurels on many a hard-fought field in Europe, and the time-expired men were given land grants on the danger line. Then three forts were built, and in 1666 a great expedition started out to take the offensive against the English colonies. But when the troops reached the hitherto Dutch valley of the Hudson, their leaders were dismayed on learning that the country had passed into the power of the English, who had thus become masters of the most convenient line of inland waterways between the French possessions and the seaboard.

There now appeared on the scene the most illustrious of the men who ruled New France for the King: Frontenac, a man of strong character, a splendid soldier, an admirable organizer, resolute, fearless, with the defects of his qualities, that is, overbearing and violent. He entirely gained the admiration and confidence of the Indians, who respected him as they had done no one before, and won the trust and confidence of the colonists, although he quarrelled continually with the Jesuits. He pushed the bounds of French influence to the upper reaches of the Saint Lawrence, building Fort Frontenac where now stands Kingston,



and thus fairly joining issue with the English on the seaboard and in the Hudson valley, for both nations coveted the large profits of the rich inland fur trade. Albany was the rival of Quebec, and Frontenac's move threatened to win the supremacy for the French.

His period of rule saw an amazing development of discovery and exploration. Gróseilliers, Radisson, du Lhut, Marquette, La Salle, Perrot make the time illustrious. The two former, both born in France, were brothers-in-law and full of the spirit of adventure. Radisson, while a lad, had been a prisoner in the hands of the Mohawks and had escaped. At twenty-five he had traversed the country of the Sioux and the Crees and learned of the existence of the great North Sea, which he reached before he was thirty. He and Groseilliers, partners in adventure, eventually landed at Boston, where they met Carteret, King's Commissioner, who, learning of the wealth of the Arctic, took them with him to England. Wrecked on the Spanish coast, they reached London at last, were presented to Charles II, the result being the foundation of the Hudson Bay Company.

Du Lhut, a former Guardsman, came to Canada in 1674-75, and explored the country of the Sioux and Assiniboinés, traversed practically every part of the Lake Superior region and the upper Mississippi. The city of Duluth commemorates his name and deeds.

Saint-Lusson and Perrot, at a great council held at Sault Sainte-Marie on June 4, 1671, took possession of all the region in the name of the French King. Among those present was a *coureur des bois* named Joliet, who shortly afterwards set out to discover the Great River (the Mississippi), said by the Indians to flow south and not west, as was then believed. At Fort Mackinaw he met Father Marquette, and on June 7, 1673, the pair started on their canoe trip, reaching the Wisconsin and then the Mississippi, down which they went as far as the mouth of the Arkansas. On their return they ascended the Illinois, on the banks of which now stands the city of Joliet.

The explorers returned to Quebec, to report to Frontenac, and Joliet's discovery that the Mississippi did not flow into the fabled Golden Sea in the west but into the Gulf of Mexico, led La Salle to conceive the bold plan of a French realm that should extend from the Saint Lawrence to the Gulf, from the Atlantic to the Pacific.

Born at Rouen, Robert Cavelier de la Salle had settled at La Chine, near Montreal. In 1669 he started on a two years' trip through the Iroquois country, from Lakes Erie and Ontario to the Ohio, and by his advice it was that Frontenac built Fort Kingston, as it is now known, at the mouth of the Carataqui. Two others forts, one at Niagara and one on the Illinois, were erected at the same time.

At the close of the autumn of 1681, La Salle and his friend Tonti started for the Great River in six canoes, with a party of forty-one Frenchmen and Redskins, with thirteen women and children. Running down the Des Plaines to its confluence with the Illinois, they followed the latter stream to the Mississippi, passed the mouths of the Ohio and the Arkansas, and the future site of New Orleans. On the most southern point of the delta a pillar was erected, bearing the arms and name of Louis XIV, for whom La Salle took possession of the immense territory, on which he bestowed the name of Louisiana. The name, after the acquisition by the United States, was restricted to a relatively small portion, now the State of Louisiana.

In 1682 Frontenac's term of office came to an end and he returned to France, leaving his successor, a weak man, pitted against the Iroquois on the one hand, and the able Dongan, Governor of New York, on the other. The latter boldly and stoutly continued to assert the supremacy of the English over the region of the Lakes—then the great fur hunting ground—to prevent which the French had built Fort Niagara. This so enraged the Iroquois that they came down in force and replied with the fearful massacre of Lachine, in August 1689. They stormed the place under the cover of night, slew 280 of the French, and carried off 120 to torture and slow death.

Louis XIV promptly ordered the only man capable of coping with the situation, the dauntless Frontenac, to repair at once to Quebec, and the hardy veteran—he was over seventy years of age—hastened back to the post of danger. His swift and terrific raids into New England and New York, his smashing defeats of the Iroquois, his enthusiastic welcome by his Indian allies, with whom, after his triumph in the field, he danced the war dance, proved how wisely the King had acted in sending him.

Frontenac's successes naturally exasperated the English colonists, and a fleet of 32 ships, under Sir William Phipps, and bearing 2,300 colonial militia, made a futile attempt to take Quebec.

So far the French imperial policy was crowned with success. By means of the Great Lakes and the valleys of the Mississippi, the Ohio and their great tributaries, they had penetrated into the magnificent territories between the western slopes of the Alleghanies and the Great River, and controlled the vast system of inland waterways. The English, however, were beginning to make their way across the Alleghany barrier, and as the pioneers reported on the fertility and immensity of the splendid lands that lay beyond, the stream of settlers increased, while at the same time the fur-hunters grew in numbers and daring.

While the extent of territory at stake in the conflict that was now inevitable was a vast territory



comprising the immense stretches of the Great Lakes and surrounding country, the basin of the Saint Lawrence, the Ottawa, the Mississippi, the Illinois, the Ohio, there were certain points the fate of which would determine that of the continent. The cradle of New France was Quebec, with Three Rivers and Montreal as centres of influence farther up the river. Montreal also commanded the Ottawa, while farther to the west Forts Frontenac (Kingston), Rouille (Toronto) and Niagara controlled the great fur-producing country.

Thus France barred the way to the extension of the English seaboard colonies, and the development of these became naturally connected with the possibility of displacing the French in the Ohio valley, to begin with, and later in the Mississippi valley itself.

On the sea coast the French menace was less, though extant, for France possessed the island of Cape Breton, then known as Ile Royale, and this, with Newfoundland, commanded the entrance to the Gulf and the river Saint Lawrence. As the English held Newfoundland, in spite of all attempts to drive them from it, it was essential for the French to retain their hold upon Acadia, and on Cape Breton more particularly, albeit the natural connexion of this territory was with the colonies in the south.

Acadia (now Nova Scotia and part of New

Brunswick) was long merely the scene of forays and combats by French and English, with no settlement of any size and no real attempt at true colonization, and for a number of years the titular sovereignty passed back and forth from one nation to the other. Finally the Treaty of Utrecht, in 1713, handed the land over to the Queen of Great Britain and her Crown for ever, but Cape Breton and all other islands in the Gulf were at the same time declared to appertain for ever to the King of France, who was at liberty to fortify any place or places therein.

The impossibility of conciliating French and English interests became evident to the New England colonies, which suffered so much from the incessant raids directed against them by the foe. D'Iberville had harried Newfoundland, the Hudson Bay Territory, and even the coast of Maine. Under these circumstances, William Shirley, a Sussex man and Governor of Massachusetts, favoured the project submitted to him by William Vaughan, a New Englander, involving the dealing a crushing blow to the French by taking Louisbourg, founded in Cape Breton in 1720, and which had been turned into a formidable fortress guarding the gateway of the Saint Lawrence on the one hand and menacing the Atlantic colonies on the other.

What was done by the New England colonies on this occasion might well have been remembered

by the Home authorities half a century later, for they proved themselves capable of sustained and vigorous effort for the sake of a cause in which they were deeply interested. A colonial force, composed almost wholly of Massachusetts men, under the command of William Pepperell, of Kittery Point, Maine, sailed from Boston on March 24, 1745, and was joined by a British squadron under Commodore Warren. The force landed on April 30, the siege was pushed vigorously, and on June 17 the British flag was hoisted over the conquered stronghold. It was a very remarkable feat of arms, conceived and carried out by the colonists with the aid, the invaluable aid, of the Royal Navy. New England had indeed reason to be proud of her sons.

Once more, however, to the profound and legitimate disgust of the colonists, the navy and the army alike, diplomacy robbed the victors of their spoils: the peace of Aix-la-Chapelle, in 1748, restored Cape Breton and Louisburg to France. It was a costly blunder, for it speedily was perceived by the British Government that a stronghold must be established on the Acadian coast. The result was the founding of Halifax as a naval and military base.

The French, on their part, raided the Atlantic colonies and drew their chain of forts closer and closer. Dinwiddie, the Scots Governor of New York, alarmed by the reports of French extension

and occupation and aggression which kept coming from the Ohio district, sent young George Washington with a small force to take the fort the French were building at the confluence of the Alleghany and Monongahela. The French attacked Washington in his camp and forced him to capitulate, leaving them masters of the valley.

Both sides called on their Home governments for troops, and Braddock set out in his turn to attack the much desired fort. His regulars and himself were utterly unused to forest warfare ; he was successfully ambushed by the French and disastrously defeated, losing his life.

Fortunately the defeat brought the reality and imminence of the French danger home to the supine inhabitants of the Southern colonies, and stirred them to something like the energy of the New Englanders, who were again found at the fore, and furnished William Johnson, a trusted leader, experienced in the ways of the French and the Indians, with a fine colonial force, a large part of which, none the less, was as effectually ambushed and shot down as had been Braddock's regulars.

The ultimate outcome of the various expeditions and rencounters was that the English had generally failed, while the French not only held every important fort on the great inland waterways, but, with Louisbourg, threatened the seaboard. It was time for a master mind to take the direction



of affairs ; the crisis in the great struggle had reached its acutest stage.

Canada laboured just then under the burden of a thoroughly corrupt administration : the Governor, Vaudreuil, a Canadian by birth and jealous of the men sent out from the Mother-country, was a weak character and the willing tool of the intendant Bigot, head of a gang of plunderers, subordinate thieves who pillaged the wretched habitants and squeezed fortunes out of them.

The commander-in-chief was the illustrious and upright Montcalm, a name honoured by friend and foe alike, a man of integrity, a splendid soldier, who lacked only proper support and hearty collaboration to redeem the fortunes of France in North America even at their lowest ebb. Instead of being aided, however, he was slandered, hampered, worried in every possible way by Vaudreuil and Bigot. None the less he won victory after victory over the forces opposed to him, and in the valleys of the Hudson and New England proved his energy and skill as he maintained the highest traditions of the French arms.

Happily for Great Britain she had at this time as Premier the still greater Pitt, who quickly saw how and by whom the decisive blow should be struck. First Louisburg was to be reduced, then Quebec taken, while other forces should make their way against Ticonderoga and Fort Duquesne. By 1758 more than twenty thousand

regular troops had been placed in North America. Jeffrey Amherst was placed in command of the expedition against Louisburg, having under him young James Wolfe as Brigadier. The fleet which convoyed the troops was commanded by Boscawen, "Old Dreadnought" as his men affectionately called him, who had already distinguished himself on the American coast.

The expedition sailed on February 19, 1758, and reached Halifax in May, and Gabarus Bay, in Cape Breton, on June 2. The siege was smartly pushed on, the Island Battery, commanding the entrance to the harbour, silenced, and on July 26 the fortress capitulated, the British taking possession the next day. Within two years the fortifications were razed to the ground, and Louisburg, the pride of New France, left desolate.

The next summer saw Wolfe in command of the expedition destined to reduce Quebec, while Amherst was to move north by Lake Champlain. The two forces were then to join hands in front of Montreal.

The British force was not very considerable—five thousand men—but the operation was one which called for the co-operation of the Navy, and the fleet, under Admiral Saunders, who had been one of Anson's officers in the *Centurion* in her famous cruise round the world, was of the utmost service in the carrying on of the siege.

Montcalm had sixteen thousand men under

him, partly French regulars, partly Canadians and Indians. His game was a waiting one, for once September had passed the British would be forced to abandon the enterprise or be shut up within the country, the Saint Lawrence freezing over and all navigation being suspended for some months.

Wolfe—after one disastrous attempt to force the defences at Montmorency, some distance down the river—by a bold stroke carried the bulk of his men past Quebec, landed them early on the morning of September 13, and drew them up in order of battle on the Plains of Abraham. Montcalm hurried up, but in fifteen minutes the fight was over, the French general mortally wounded, Wolfe dead and the French in panicky retreat. On the 18th Quebec surrendered, and although a plucky attempt was made in the following spring to recover it, the capital of Canada remained in the hands of the conqueror. The besieging French retreated in haste to Montreal, presently threatened by the converging advance of the British from the south and east. Resistance was hopeless: the Royal Navy held the command of the seas, and no help could be obtained from France. So on September 8, 1760, the last troops of the French King surrendered and the whole of New France, from Gulf to Gulf, passed under British sway.

And the American colonies were freed from the danger that had so long threatened their very existence.

## VI

### THE PRELUDE TO THE REVOLUTION

THE destruction of the French power in Canada and the passing of the vast territory into the hands of the British made the seaboard colonies safe for the future. But already there were those in England who believed that the exchange of the new acquisition for some of the West India Islands, such as Guadeloupe, which were restored to France at the peace, would be advantageous to the Mother-country, while others, and notably French statesmen themselves, were of opinion that the result would be the breaking away of the colonies, whose spirit of independence had so often manifested itself, once they no longer felt the need of the protection of the British arms.

They did break away, and that within a dozen years, hence the feeling, openly expressed, and entertained even at the present day by a few ill-informed persons, that the American colonists exhibited black ingratitude towards their deliverers, and hastened, in their new-found sense of security, to devise means of seceding from Great Britain.



This, while natural enough, is quite inaccurate, and does injustice to the British in America. For they were British and remained British till other causes, long since at work, brought about the Declaration of Independence, a declaration come to, as will be seen later, not without much reluctance and searching of hearts, though, once adopted, it was adhered to and finally vindicated in 1783, when the independence of the newly constituted United States was acknowledged by Great Britain.

It must also be borne in mind, which has not usually been done in the past, that the autocratic rulers of Great Britain: the two Jameses, the two Charles and finally George III, sought to abridge and even to destroy the political rights of these Britons overseas, in violation of the solemn declaration of the very first charter granted to colonists in America in 1606. That was the first Virginia Charter, issued under the Great Seal, and which has rightly been described as "a landmark in the history of territorial boundaries and of the constitutional rights of English colonists in America."

That impartial and accurate modern American historian, Professor Edward Channing, in his profoundly interesting and thoroughly documented *History of the United States* (i. 161), says: "The Virginia Charter was even more memorable for its constitutional declarations than for its assertion

of England's claim to a share of the New World. The clause is worth reading ; it provides that the English colonists "*and their posterity*"—the italics are not in the original—" ' shall have and enjoy all liberties, franchises, and immunities within any of our other dominions, to all intents and purposes as if they had been abiding and born within this our realm of England or any other of our said dominions.' This famous clause repeats in substance the guarantee which was in the Raleigh patent, which again repeated in substance what was in the Gilbert charter. In all three the English monarch declared to the world that English colonization was to be unlike that of Spain, France and the nations of antiquity. It was the fate of pre-English colonists and of contemporary settlers of other nations to be looked upon as beings who were outside the laws and privileges of the dwellers in the home-land ; English colonists, on the other hand, were to enjoy the protection of the Common Law equally with the inhabitants of England. As a declaration of a new colonial policy, this statement is interesting ; but as maintaining, in the smallest essential, the rights of English subjects, it was of slight importance. *The rights of Englishmen were not subject to the king's fancy*"—italics not in the original—" for, as Bracton said, ' the king is under no man, but under God and the law.' Go where he would, so long as he settled on land claimed by England and owned allegiance

to the English crown, the Englishman carried with him as much of the Common Law of England as was applicable to his situation and was not repugnant to his other rights and privileges. Nevertheless, this enunciation, now the third time repeated, marked an epoch in colonization. Permanent settlements, which in time were to grow into a great nation, were to be made under its guarantees. The success of the new movement was to depend largely on the proposition that colonists had the same rights as home-dwellers—a fact that marks off English colonization from all other colonization, ancient and modern.”

The plain fact, as seen now in the clearer light of the present, is that two great sets of causes worked to bring about the separation. One was political, the other economic, but of the two the former had by far the greater influence. It was, at bottom, the inevitable opposition between the deep-rooted feeling of freedom and self-responsibility which developed so much more quickly in the environment of the New World than it could at home, and the obstinate resolve of George III, imbued as he was with precisely the sort of ideas of his position and rights which were exhibited by the German autocrats of to-day, which caused the revolt of the colonies and their successful vindication of the ancient rights and privileges of free-born Britons.

This difference of environment and influences

at work is an essential element in the understanding of these causes and their effect upon the people at home and the people in the colonies.

In England, the feudal tradition was still strong—it has not wholly died out even at the present day—while in the American colonies it was effective only in Virginia, partly in New York, and was wholly absent in New England. And even where it existed, it was in a much modified form, nor could it withstand the aggressive power of the democratic ideas which were steadily gaining strength and effect. It was from Virginia that came the first declaration of independence, and it was a Virginian, Thomas Jefferson, who wrote the celebrated document signed on July 4, 1776. It was Virginia which gave the revolted colonies their greatest leader, George Washington, as it was Massachusetts which led the way in stern resistance to the oppressive measures of the King and his compliant ministers.

In America, the colonists had had to clear the land, to improve it, to fight for the maintenance of their homes against the French and the Indians; the soil was watered with their blood; their toil had transformed the territory from wild forest and watery swamp into a rich country. They knew what they needed far better than the dwellers at home; those needs of theirs were in many respects different from those of the men and women of the same blood on the other side



of the Atlantic. The latter could not understand this, judging by their own circumstances only and utterly ignorant of the different conditions of their kin on the Western seaboard. The latter did not realize the peculiar power of tradition and custom, the hold of the landed gentry and nobility on the government at home.

The dweller in England considered—and with some reason from his point of view—the colonists intractable and presuming; while the latter felt that the government in London deliberately and wilfully ignored their protestations and their righteous demands. Nor was this a matter of a day: the discontent had been growing for a long time, and various contributory causes had aided in developing and embittering it.

From the outset the colonies had been accustomed to a larger or less degree of self-government. The revolutions at home: the overthrow of Charles I, the accession to power of the Puritans, the Restoration, the Civil War, the fall of the Stuarts, the Bill of Rights, the Act of Settlement—which finally established the king's right to reign by virtue of the Act of Parliament and not otherwise, all these had their repercussion in America. Just as the struggle between the free-men of England and the successive autocrats tended more and more to increase the resolution of the former, their "will to victory," to adopt a modern expression, so in the colonies the habit of

self-government and the compelling force of the difference in circumstances and conditions of life, inevitably strengthened the desire for fuller self-government, for the more equal balance between the powers of the Home government and the sights of the colonists.

While the Virginia Charter had been arbitrarily annulled in 1624, the English king had been compelled, in 1627, to seek the consent of the Virginians to the establishment of the tobacco monopoly. They refused, and it was not and could not be imposed upon them, while the fact that by royal command the General Assembly met at Jamestown constituted a precedent which was not forgotten, and which was enforced in the other royal provinces. When the Commonwealth came into power, Virginia became to all intents and purposes an absolutely independent colony from 1652 to 1658, electing its own governors. But with the Restoration that colony was subjected to downright tyranny and placed under the rule of royal governors. Berkeley, who practically refused to defend the settlers against the raiding and massacring Indians, proclaimed Bacon, who led an expedition against the savages, a rebel. Then the colony fell into the hands of Lord Culpepper, Lord Howard of Effingham—a man wholly unworthy of the great name he bore—Sir Edmund Andros and Sir Francis Nicholson, all of them bent on enriching themselves at

the expense of the province and wholly disregarding all the constitutional safeguards to which the Virginians attached so much importance.

Massachusetts likewise suffered from the Stuart tyranny. Its highly prized charter was annulled in 1684, and ere long Edmund Andros was appointed governor and exercised unchecked authority. After the Revolution which put William and Mary on the English throne, Massachusetts was granted a new charter which considerably abridged the liberties it had formerly enjoyed. The offices of governor, secretary and treasurer were filled by the king, and while the people might elect the Council, the king retained the right of veto over the elections.

The proprietary provinces, such as Maryland, Pennsylvania, and others, retained their assemblies, and the right to initiate financial measures. But the action of the proprietors led to interminable differences and quarrels, especially in Pennsylvania, where they refused to allow their lands to be taxed equally with those of the colonists.

Further, there was the ever-recurring question of the salaries of the royal governors and judges. The Home government insisted that these salaries should be fixed ; the colonial assemblies uniformly refused to consent to this procedure, and maintained their right to vote them annually. This was important, for it gave the colonists some hold both on the governors and on the judges ; nor

was this insistence of theirs unwise, in view of the character of some judges at home in those days.

The incessant recriminations and complaints on both sides could not but exasperate the Home government and the colonists alike. Each blamed the other ; neither was disposed to take a calm and equitable view of the circumstances. Hence the discontent increased in America, and the indignation in England. There the bulk of the population, absolutely uninformed concerning the real conditions in America, naturally enough accepted the version set forth by the ruling classes, and learned to look upon the colonists as an intractable and ungrateful people who clamoured for the protection of the Motherland yet refused to bear their share of the burdens.

Again this was not strictly true. For while colonies like Pennsylvania did act in a dog-in-the-manger fashion, Massachusetts, on the other hand, bore a heavy load of taxation caused by the necessity of repelling French and Indian raids. Benjamin Franklin, who long represented Pennsylvania in England, declares that when he entered public life in Philadelphia, there was " no provision for defence, nor for a complete education of youth : no militia, nor any college." It was not, he says elsewhere, that they objected to defence " provided that they were not required to assist in it." When he proposed to establish a hospital in the capital, " the country members



did not at first relish the project ; they objected that it could be serviceable only to the city," but later they consented to the bill, " for the members who had opposed the grant, and now conceived they might have the credit of being charitable without the expense, agreed to its passage."

The Pennsylvanians were probably the most selfish of the colonists. That was due in part to the tenets of the Quakers, who dominated the Assembly, and whose objection to war was a cardinal principle with them. But they were like the other colonists in that there was no sense of nationality, of common interest among them. In truth the colonists were narrow : their own particular colony was all they cared for ; they had no breadth of outlook ; they were jealous and suspicious of each other, and dreaded lest one should gain an advantage over the others.

The French war made these things very plain. The chief preoccupation of most of the colonies was to escape the burden that would surely have to be borne. Tradesmen and farmers alike thought only of saving money and avoiding helping the government, represented to them by the governors with whom they were continually quarrelling. Pennsylvania would have nothing to do with the building of a fort on the site of the present Pittsburg ; Virginia scouted the appeal of governor Dinwiddie for funds to provide for defence.

It did eventually vote a sum of money, but hedged it round with conditions. When the French invaded the valley of the Ohio, a territory claimed by both the above colonies, Pennsylvania declined to undertake any share in the defence of the country. New Jersey, Delaware and the Carolinas claimed that they were not concerned. They were remote from the danger, and that sufficed for them.

New York and Massachusetts, the latter especially, bore the brunt of the colonial cost of defence. But Massachusetts had, with good reason, been irritated by the surrender of the fortress of Louisburg, besieged and taken by New England troops with the assistance of Warren's squadron. New England had not been consulted in the transaction, and having rid the seaboard colonies of a most dangerous menace, saw it restored by the act of a government three thousand miles away.

The Home government desired to have the colonies combine for purposes of contributions in men and money. The colonies would not consent unless the initiative was theirs. The Board of Trade and Plantations directed the holding of an intercolonial conference at Albany, in the province of New York. The meeting took place in 1754, and is generally referred to as the Albany Congress. Franklin was there and submitted a plan of Union. The story of its initiation and fate is entertaining

as well as illuminating. It is singularly illustrative of the divergent tendencies not of the Home government and the colonies generally, but of the colonies themselves.

Franklin proposed that there should be a union of the various colonies, with a president-general at the head of the government. This official was to be appointed and supported by the Crown. A grand council was to be established, the delegates being appointed by the various assemblies. The Congress, as it is sometimes denominated, "unanimously agreed" to it, and copies were "ordered to be transmitted to the Board of Trade and to the assemblies of the several provinces." All the Assemblies rejected it and the Board of Trade condemned it, the former because they considered it contained too much prerogative, the latter because they held it to be too democratic. The Assemblies held that it strengthened the power of the distant government; the latter was certain that it would be inexpedient to have the colonies united.

The Board of Trade brought forward a proposal of its own: the governors of the provinces, with the assistance of certain members of their own councils, were to order the raising of troops, the building of forts, and whatever other measures might be necessary; drawing on the British Treasury for the cost, this to be refunded later in virtue of an Act of Parliament to be passed for

the purpose, which would lay the necessary tax on the colonies.

Already the divergence on this crucial point of taxation was manifest. The Assemblies were determined that the levy of taxes should rest in their hands alone : the Home government was as resolute that the supremacy of the Parliament should be vindicated. In truth, neither side was keen on union : the colonies were too jealous of each other, fearing lest the larger and richer, such as Virginia and Massachusetts should acquire a predominating influence in the councils ; the Home government was averse from any measures that tended to render the colonists yet more independent of control. Great Britain wanted the colonies to furnish men and money and to place both under the command of British nominees ; the colonists were quite determined not to agree to this. So the plan of union died a speedy death.

The war went on : the French were defeated and expelled ; the Americans breathed more freely, and the Crown presented its bill. At once resistance was manifested, and events began to shape themselves in such a way that separation became a possibility. The cleavage between the two parts of the Empire rapidly widened : the opposition in America hardened the resolution in England ; the determination of George III to have his own way merely served to confirm a similar determination on the part of the colonists, and



the various steps taken, some legitimate and wise, others legitimate and extremely unwise, precipitated the crisis.

But political causes were not alone, as has been said, in bringing about the Revolution. Economic causes also played their part. And it was an important one.

## VII

### THE CRUCIAL POINT

IF the people of Great Britain failed to understand the difference between the conditions under which they themselves lived and those which affected the American colonists, neither did the latter grasp the vital importance to the former of supremacy at sea. While themselves living along the seaboard, and therefore dependent to a large extent upon facility and safety of sea traffic, their trend was inland and was bound to become more and more so. They had room to expand; the barrier of the Alleghanies was already being surmounted, and stout-hearted pioneer families were crossing the mountains and settling in the rich Ohio valley. Power to drive back the environing French, ability to subdue and tame the Indians, these were their great preoccupations.

But the position of the people of Britain was different. To them the command of the seas had become a paramount necessity. Since the day when Howard of Effingham, Drake, Hawkins

and other valiant sea captains had driven the Armada in flight from the shores of England, the true sphere of the nation had become evident : it was not on the continent of Europe, not on the plains of France, but across the seas that lay its future.

The extension of trade rendered it necessary to have a Navy for the defence of the merchant ships and the trade routes. The merchant marine required fostering : the commercial interests called for protection. The result was the rivalry with the Spanish and Portuguese first, with the Dutch next, and with these it was keener still. They had ousted the Portuguese from their position of primacy at sea ; they had secured practically the sea-borne trade of Europe, and they were not minded to let it go. England paid tribute to them in the form of shipping charges and freights. The fierce sea wars between the two nations were due even more to their business rivalry than to national pride.

The result of the plain need for England to be a great sea power was the passing of the Navigation Acts, the first of which was passed in 1651, under Cromwell's rule. Its object was to foster the carrying trade, and it at once did so. Consequently in 1660 it was re-enacted in its general lines, and the policy it represented remained the policy of the British government throughout the whole of the colonial period and even later.

The Acts did all that they were expected to accomplish, and more. The merchant marine was expanded considerably, and the carrying trade passed from the Dutch to the English. At the same time it enabled the naval side of the defence of the country to be also favoured, and if England became the mistress of the seas it was because of this intelligent recognition of the value of the thorough protection of a particular industry, which itself enriched the people. It was uniformly successful, although it undoubtedly bore hardly upon some parts of the Empire. It was even approved by Adam Smith, who considered that this particular monopoly—of sea-borne trade—was “perhaps the wisest of all the commercial regulations of England.”

Another principle obtained in those days: that colonies existed for the benefit of the Mother-country. They were looked upon as sources of wealth, and their existence was justified only in so far as they proved profitable. Seeley points out that the expression *possessions of England* is typical of the view then held. They were considered not so much a part of the Empire as places whence goods and products needed at home might be imported. The relation was, of course, a false one according to modern ideas in this country. No one now dreams of looking upon any of our dependencies, still less upon our great Dominions, as merely subservient to the Homeland.



The result of that conception of the colonies was precisely what might have been expected. They were to be exploited : they were to enrich England—and they did so. Their trade was, in theory at least, rigorously confined to Britain. Colonial goods could be imported into England, Ireland, or any English colony only in British ships. And further, these ships must be commanded by an Englishman and not more than a fourth of the crew might be of other nationalities. The same rule applied to goods imported into the colony. Further, the trade of the colonies was to a very large extent confined to the Mother-country, and in return received preferential treatment with respect to colonial produce, a similar monopoly being secured to British goods in the colonies.

It should be added that all colonial products were not necessarily to be brought to the English markets. The restriction applied to what were termed “ enumerated ” articles : sugar, tobacco, cotton, indigo, ginger, and dyewoods. This list was added to later, but all goods not comprised in it might be exported anywhere. Of course tobacco and cotton were Virginia’s staple productions, so that in this respect the province was closely bound to England as regarded her trade.

A further and important provision was that while all European goods intended for the colonies

had first to be landed in England, and to pay duties, the latter were returned wholly or in part on re-exportation to English colonies. Not infrequently such goods could be obtained more cheaply in the colonies than at home. Again a heavy duty was imposed on foreign commodities which might compete with similar ones the produce of the colonies, and this, of course, was a distinct advantage for the colonists.

Where, however, the hardship was most felt was in the prohibition of manufactures in the colonies. It is amazing to reflect to-day that the country which has proved so enormously rich in mineral resources and which leads the world in the production of certain metals, was, under the old colonial system, debarred from doing more than producing the raw material and shipping it to England, there to be manufactured into goods which, in part, were then sent to the colonies.

Virginia and the other Southern provinces did not feel this a burden, for they were purely agricultural colonies, but in New England and in Pennsylvania it constituted a real grievance and a just one. The mineral wealth of the latter province was, as is now well known, enormous, and its water power equal to any demands that might be made upon it, yet no metal could be smelted or worked up there any more than in the more northerly colonies. Even nails had to

be imported from England though made of American iron.

The British manufacturer of that day was resolute to keep the monopoly in his own hands, and his tenacity was one of the gravest causes of the discontent growing up in the New World. All manufactures were included: New England could well weave cloth and woollens, but was not permitted to do so; it could have tanneries and ironworks, but both were forbidden. It is true that evasions and violations of the law were frequent, and grew rather than lessened in number and importance as the years went on. Politically the effect was disastrous, so far as the feeling of allegiance to the Crown went. The Ulster Scots who were driven from their homes by the destruction of the woollen business and who emigrated to America in consequence, were deeply embittered, and when the War of Independence broke out were among the sturdiest opponents of the old land.

The action of the Navigation laws and the restraint of trade and manufactures would not, of themselves, have sufficed to cause separation. At least, such an outcome does not appear justified in the light of present knowledge. American historians of to-day recognize that on the whole the colonies derived practical benefits from the system, and that the laws were regularly and openly violated without causing much trouble.

Many things were overlooked ; cargoes did not always pay the duties ; foreign ships did enter American ports. With the West Indies, in particular, an essentially contraband trade flourished and grew to large dimensions without provoking instant suppression. In so far, then, the economic causes did not precipitate the conflict. It was only when the application of the law—more accurately, the attempt to enforce it rigorously—made itself felt and became mixed up with the essential political issue, that these causes became dangerous and effective.

A fundamental point of difference, destined to be the deciding one, was the supremacy of the British Parliament, and, in addition, the interpretation of the meaning of "representation" in the House of Commons. It was Parliament which made the laws for the realm ; the colonies were a part of the realm ; consequently people in England considered, and with perfect justice from their point of view, that the colonists were bound to obey these laws just as much as they, the dwellers at home, were bound to do so. The American colonists, British themselves, accustomed to much fuller self-government than was at the time enjoyed in England, did, on the whole, submit to the laws thus made three thousand miles away—with breaches of them in commercial matters, as has been said. But they held stubbornly to the crucial point of self-taxation. This



was the dividing point. The Crown claimed that the Parliament represented equally all parts of the realm, no matter where they might be situated. Burke plainly declared, in his speech to the electors of Bristol, that "Parliament is not a *congress* of ambassadors from different and hostile interests, which interests each must maintain, as an agent and advocate, against other agents and advocates; but parliament is a *deliberative* assembly of *one* nation, with *one* interest, that of the whole; where, not local purposes, not local prejudices, ought to guide, but the general good, resulting from the general reason of the whole. You choose a member indeed; but when you have chosen him, he is not member of Bristol, but he is a member of *parliament*. . . . We are now members of a rich commercial *city*; this city, however, is but a part of a rich commercial *nation*, the interests of which are various, multiform, and intricate. We are members for that great nation, which however is itself but part of a great *empire*, extended by our virtue and our fortune to the farthest limits of the east and of the west. All these widespread interests must be considered; must be compared; must be reconciled, if possible."

To this the leaders of American thought and policy would have agreed readily, *provided they were represented—the people of the colonies—in*

*the parliament of the realm.* And this reservation was the point on which the clash came.

Again, the reader must clearly bear in mind the difference between the middle of the eighteenth century and the present time. To-day no one claims that the Dominions and the Dependencies and the Empire of India are represented in the Imperial Parliament in the true and direct sense of representation. The Dominions have their own Legislatures, their own Parliaments, and the Imperial Parliament would not dream of interfering in the conduct of their own affairs, of taxing their peoples. In the eighteenth century even the staunchest friends of America at home did claim that Parliament had the *right* to tax the colonies, though they urged it was a right best left in abeyance. They desired to see the colonies tax themselves for Imperial purposes, believing that in this way not only would the necessary supplies be obtained but the prejudices of the colonists be respected and irritation be avoided.

The colonists, on their part, utterly rejected the idea that they were in any way whatever represented in the Imperial Parliament. They were entirely right according to their point of view and our own at the present day. But with equal justice, on their part, the people of England—or such of them as gave attention to these matters—insisted that the colonists were just

as much represented at Westminster as the inhabitants of Birmingham, Manchester or Liverpool, which had not a single member in the House of Commons and no right to one under the then-existing circumstances.

The principle laid down by Burke was the principle which justified this view: the inhabitants of the rich and populous cities were "represented" by the member for Old Sarum, for instance, just as certainly as he represented the waste which bore that name—and no inhabitants. Why was the feeling not only of the generally ignorant public but also of many intelligent men, why should the colonists complain when they were on exactly the same footing as the largest part of the population of England?

The colonists did complain and maintained that their case was unlike that of the dwellers at home, who could make themselves heard by the members; who were no doubt unequally and unfairly represented, but represented in a way that satisfied them, apparently. That way did not in the least satisfy the colonists, and their conception—and practice—of representation was radically different. Representation, to them, meant the election, from their own body, their own community, of men whom they knew, who knew their views, their needs, their wishes, and were pledged to advocate them, to satisfy them. And that representation must be in a body legis-

lating in the colony itself. Of empire they recked not : they thought of their own particular territory and of no other. They wholly lacked the sense of community with the other colonies, and yet more with the other parts of the Empire. They were attached to the British connection ; they did not wish to sever it, but they claimed the right of managing their own affairs, and above all the inalienable right of self-taxation, the birthright of the freeborn Englishman.

To-day we speak of Imperial Federation. Our great Dominions took part in the World War of their own free will, uncompelled by any legislation at Westminster. Men are seriously thinking of the best means of having the Dominions and India represented in a body which shall be truly Imperial in its constitution and duties. They are discussing the establishment of separate parliaments for England, Scotland, Wales, Ireland ; parliaments which shall be charged with the carrying on of purely English, Scottish, Welsh or Irish affairs, leaving the Imperial Assembly free to deal with matters affecting the immense Empire at large. The object of all these endeavours is that we shall be one great people, bound by common sacrifices, common ideals, common interests. That is the essence of the Federation of the Empire as the idea has developed.

And it is most impressive that this was almost identically the idea of the leaders of thought



among the American colonists. The man who drafted not only the Declaration of Independence but the declaration of Virginia, had Imperial Federation in mind. He, no more than George Washington, desired to break away from the British connection. In the very draft of that famous document he inserted words that should have been left to stand. In the solemn and sad paragraph—the last before that in which independence is declared ; the only one in which the British *nation* is in any way taken to task—he had written: *We might have been a free and great people together.*

It does seem to-day, looking back upon the condition of things on both sides of the Atlantic, in nowise surprising that the contending parties could not understand each other and that rupture became certain. In England the Cabinet system had been established: the ministers were the choice and representatives of the majority in the House of Commons. They were responsible to that House, so that the executive and the representative body in the legislature were harmonious. Assuredly there were also certain "accidents" which helped this harmony, but it existed. In American colonies there was nothing of the sort, but a distinct cleavage between the executive and the representatives. In the colonies the executive was the governor, appointed by the King ; the representatives were the free

choice of the colonists, and were colonists themselves. In Connecticut and Rhode Island this difference did not exist. "In England," says Channing, "the interests of the two great branches of the government were identical ; in the colonies, they were in opposition." Again, therefore, it is a principle which is antagonistic to another principle.

This fact had necessarily an important bearing on the taxation question. The English ministry asked the Commons to vote certain sums, the amount to be raised by taxation of the English people. That was entirely correct. The ministry stood for the majority in the House ; the House stood for the people. It was taxation *with* representation, no matter how imperfect, and often unjust, was that system of representation. In the colonies, the moment the British parliament sought to impose taxes the cry was heard that such a step was illegal and contrary to the fundamental liberties of Englishmen. It was quite useless to urge, as was done repeatedly and heatedly, that the colonists were represented in the House of Commons, because they knew perfectly well that they were not. No amount of ingenious explanation could make them think otherwise. And they stuck to their creed : No Taxation without representation.

Reason was on their side in this. Their principle had been vindicated successfully in a

British colony ; the Home authorities had conceded it, and the result had been harmony and good-will. Sir Charles Lucas has told the story. The little island of Barbados—which has the proud record of being the only West Indian island that remained British from the day of its first settlement—refused to recognize the authority of the Commonwealth. A fleet was sent out to compel the Barbadians to yield. Moderate counsels won the day and on January 11, 1652, the Charter of Barbados or Articles of Agreement was signed, leaving the colonists “ in full possession of all their rights and liberties, and placed on record those rights for the safeguard of coming generations.” “ It did not matter,” Sir Charles Lucas goes on to say, “ except sentimentally, to the Barbadians whether their distant sovereign was to be one or many, but it did matter whether or not they were to be seriously interfered with in the home of their own choosing. It was the prohibition of trade with the island, by command of the Imperial Parliament, which put life into the resistance of the colonists, and the declaration, which was issued in answer to it, scouted the idea that Englishmen who had gone out to Barbados should ‘ be subjected to the will and command of those that stay at home,’ or to a Parliament in which they had no spokesman. In like manner the Articles of Agreement, with which the conflict ended, said little about the Commonwealth but

much about local liberties ; they provided for freedom of person, property, trade and religion and they laid down that *the colonists should only be taxed with the consent of their own Assembly.*" (The italics are not in the original.)

It may at once be conceded that the colonists generally disliked taxes. In this respect they were not unlike very many people at the present day. They were decidedly remiss, in many instances, in recognizing their duty towards the parent State and the reasonableness of the request that they should contribute towards the common defence. It was just this impossibility of theirs to perceive that all the colonies, no matter whether bordering on the enemy's country or safely distant from it, were equally in danger from him, that was at the bottom of the indifference some of them manifested. They did not understand that if once the French successfully overran Massachusetts, Connecticut and New York, made their way into Pennsylvania and threatened Virginia, it would matter little whether Delaware and New Jersey and Rhode Island and the Carolinas were invaded or not : they would suffer the common lot and become part and parcel of the spoil.

The colonies were brought to act together, more or less loosely, only by the Revolution, and even then, as will be seen later, the national army was neglected and Washington often at his wits' end to keep his men in food, arms and



clothing. After independence was won it was the same: the colonies could not agree, and internecine commercial strife succeeded for a season to war against the British. The Albany Plan of Union had proved a failure, because it provided for no strong central government; the Confederation which fought for independence suffered from the same defect. The Constitution was vigorously opposed because it seemed to take away the sovereignty of the individual States, as it certainly did. The Civil War was fought primarily for the maintenance of the Union and led to the destruction of slavery, but the action of the seceding States was due to the same centrifugal tendency which had always marked the colonies and was for a time characteristic of the States.

In view of this, it would seem to have been possible to retain the allegiance of the colonies by a wise system of administration which would have left them a large measure of self-government and avoided the pitfall of internal taxation. Had the advice of men like Pitt, Burke and others who sided with them been listened to and acted upon, the war could have been prevented. Whether, on the other hand, the overseas colonies could long have been retained, in view of the difficulties entailed by distance, is a matter of opinion. Many are convinced that separation could only have been postponed. But mayhap

the bitterness and hostility which were the ugly outcome of the struggle would have had no existence.

There was not only no widespread desire for independence: there was but a small knot of extremists who even dreamed of it. And they did not look for its realization till the oppressive measure taken against Massachusetts in particular and the determination of George III to subdue the opposition to taxation by Parliament gave the feeling a vigorous impulse. And the hiring of the "Hessians," as the mercenary troops sent across were called, precipitated the outbreak.

## VIII

### THE MEN OF THE REVOLUTION

THE names of George Washington, Thomas Jefferson, Patrick Henry, of Virginia, of James Otis, Samuel Adams, of Massachusetts, and of Benjamin Franklin, of Pennsylvania, are easily the greatest in the history of the momentous days that preceded and followed the Declaration of Independence. Others there are enshrined in American memories as those of patriots who staked their all upon the success of the movement for liberty: John Adams, of Massachusetts, Judge Stephen Hopkins, of Rhode Island, Roger Sherman, of Connecticut, John Jay, of New York, John Dickinson, of Pennsylvania, John Rutledge, of South Carolina, Richard Henry Lee, and Peyton Randolph, of Virginia, were political leaders of consummate ability. And when the war broke out, others, besides George Washington, who towers above them all, made reputations for themselves as brave and skilful commanders, even when matched against a Burgoyne or a

Cornwallis, the latter probably the ablest British general engaged.

But Virginia and Massachusetts were the two colonies which, more than any others, furnished the brains of the movement: Virginia, indeed, in the persons of Washington and Jefferson, had the two most illustrious chiefs: Washington, equally at home in the council chamber or in the field, and Jefferson, his immediate successor in the Presidency, and the author of the Declaration of Independence. And it is a striking fact that neither of them desired to break away from the British connection.

\* George Washington, as every one knows, was descended from an old English family. He was born at Bridges Creek, Virginia, some fifty miles from Washington, to which his great-grandfather had emigrated from England in or about 1657. His early life was that of a settler of those days, spent largely in the forests. He followed the lucrative profession of surveyor, and, on the death of his elder brother, inherited the family estate of Mount Vernon, on the banks of the Potomac, not far from where the city of Washington was subsequently built. Governor Dinwiddie, the able and energetic governor of Virginia from 1752 to 1758, selected him to bear to the French commander of the fort at Venango the order to evacuate it. Venango was one of a line of similar forts built and building from Erie to the mouth



of the Ohio, and intended not only to confine the English colonies on the eastern side of the Alleghanies, but subsequently to form bases for the expulsion of the colonists from the seaboard. The point was known as "The Gateway of the West." The French refused to move ; the British started to build a post of their own ; the French drove them off, finished the fort and called it Duquesne after the governor of Canada. Washington constructed a smaller work, to which he gave the significant name of Fort Necessity, some forty miles south, but the French compelled its surrender.

He distinguished himself as aide-de-camp to General Braddock, on the latter's unfortunate expedition against Fort Duquesne. The disaster is generally ascribed by American writers to the disregard of the local knowledge possessed by the colonists and to the folly of attempting to combat a force, largely composed of Indians, with methods admirable in Europe but wholly unsuited for warfare in the forest of the New World. Two diverse views may be cited. The first is that of Washington himself in a letter to "Mrs. Mary Washington" : in it he says they were "attacked by a party of French and Indians, whose number, I am persuaded, did not exceed three hundred men ; while ours consisted of about one thousand and three hundred well-armed troops, chiefly regular soldiers, who were struck with such a panic

that they behaved with more cowardice than it is possible to conceive. The officers behaved gallantly in order to encourage their men, for which they suffered greatly, there being near sixty killed and wounded ; a large proportion of the number we had. The Virginia troops showed a good deal of bravery, and were nearly all killed ; for I believe, out of three companies that were there, scarcely thirty men are left alive."

The second is that of Sir Charles Lucas : " He " (Braddock) " was criticized by Franklin as being too self-confident, and as having too high an opinion of European as compared with colonial troops ; but, on the other hand, the scanty colonial levies which reached him had not shown high fighting qualities, . . . and we may fairly infer that the shortcomings of the colonists were unjustly visited on his head."

Parkman, whose account is the result of an exhaustive study, speaks strongly of the difficulties Braddock met with : " Not only were supplies scarce, but the people showed such unwillingness to furnish them, and such apathy in aiding the expedition, that even Washington was provoked to declare that ' they ought to be chastised.' Many of them thought that the alarm about the French encroachment was a device of designing politicians ; and they did not awake to full consciousness of the peril till

it was forced upon them by a deluge of calamities, produced by the purblind folly of their own representatives, who, instead of frankly promoting the expedition, displayed a perverse and exasperating narrowness which chafed Braddock to fury."

Of the fighting itself he says: "The men of the two regiments"—regulars—"became mixed together; and in a short time the entire force, except the Virginians and the troops left with Halket, were massed in several dense bodies within a small space of ground, facing some one way and some another, and all alike exposed without shelter to the bullets that pelted them like hail. Both men and officers were new to this blind and frightful warfare of the savage in his native woods. . . . The Virginians alone were equal to the emergency. Fighting behind trees like the Indians themselves, they might have held the enemy in check till order could be restored, had not Braddock, furious at a proceeding that shocked all his ideas of courage and discipline, ordered them, with oaths, to form into line."

Later, Washington was sent by his fellow-Virginians to the House of Burgesses, and later still was a member of the First and Second Continental Congresses. The latter, after the outbreak of hostilities, appointed him to the command of the American forces, and on July 2, 1775, under an elm which still stands in Cam-

bridge, Massachusetts, he entered on his duties. And it must be remembered that the flag which was flown on this occasion, and which is known as the Grand Union, bore, where now the Stars are placed, the Union Jack of Great Britain, while Washington himself declared that he "abhorred the idea of independence."

From that moment he became and remained the principal figure in America. Throughout the war he commanded the army of the revolted colonists till he compelled the surrender of Cornwallis at Yorktown and ended the conflict. Thereafter he retired to his estate, but in 1787 was appointed president of the Convention charged to prepare a Constitution. When that instrument was adopted, he was unanimously elected first President of the United States, in 1789, and re-elected in 1793, retiring finally in 1797. Two years later he died.

How Washington appears to Americans is well set forth by the historian John Fiske: "In Washington were combined all the highest qualities of a general,—dogged tenacity of purpose, endless fertility in resource, sleepless vigilance, and unfailing courage. . . . He had a rare geographical instinct, always knew where the strongest position was, and how to reach it. He was a master of the art of concealing his own plan and detecting his adversary's. . . . He was neither unduly elated by victory nor discour-



aged by defeat. . . . To the highest qualities of a military commander there were united in Washington those of a political leader. From early youth he possessed the art of winning men's confidence. . . . He soon obtained such a hold upon the people as few statesmen have ever possessed. . . . He had almost every imaginable hardship to contend with—envious rivals, treachery and mutiny in the camp, interference on the part of Congress, jealousies between the states, want of men and money ; yet all these difficulties he vanquished. . . . It is very doubtful if without Washington the struggle for independence would have succeeded as it did. Other men were important, he was indispensable."

Thomas Jefferson, born in 1743, " was, perhaps, more than any other of the popular leaders, under the dominion of abstract beliefs in the rights of man." A student of law and of politics, he became a member of the House of Burgesses and later of the Second Continental Congress. He gained considerable influence by his prominent share in the Committee of Correspondence, established by Virginia to keep in touch with Massachusetts and the other colonies ; by his *Summary View of the Rights of British America*, in which he did not hesitate to deny that there existed any legislative union between Great Britain and the colonies, and unrestrictedly rejected the supremacy of the British Parliament.

In June 1776 he drew up the Virginia declaration of independence, and later the more famous document which was adopted and signed by the Congress on July 4.

On Washington's retirement from the presidency of the United States, he was elected President in 1801 and again four years later. He had been governor of Virginia, minister to France and Secretary of State. The present Democratic party looks upon him as its original founder.

Patrick Henry was, in Virginia, what James Otis and Samuel Adams were in Massachusetts : the radical leader of the advanced party. Trained in the law, endowed with singular powers of eloquence, he went even farther in his denunciations of the British claim than did Otis, who, at least, recognized the supremacy of Parliament. He had the art of uttering striking phrases that caught and fired his hearers, such as his well-known attack on George III in the Virginia Convention of 1765 : "Cæsar had his Brutus ; Charles the First his Cromwell ; and George the Third ( ' Treason ! ' cried the Speaker )—*may profit by their example*. If *this* be treason, make the most of it." And his yet more celebrated, though not so venomous : "Is life so dear or peace so sweet as to be purchased at the price of chains and slavery ? Forbid it, Almighty God ! I know not what course others may take, but as for me, give me liberty or give me death !"

with which he electrified the Virginia Convention of 1775. Nor was he a mere rhetorician. Doyle says of him: "In such men as Patrick Henry and John Adams—the latter a Massachusetts man—we find that abstract theories, lending themselves to rhetorical treatment, were combined with a clear grasp of facts and a sound practical judgment as to the details of policy."

James Otis held, at the moment when by his action he made himself one of the leaders of Massachusetts, the office of advocate-general, which was a royal appointment. The occasion of his throwing over his official position was the trial of the legality of Writs of Assistance, ordered to be issued in the colonies. His speech, one of the most remarkable of the many remarkable speeches delivered in those days, dexterously avoided the question of the actual legality of the writs and laid stress on the fundamental point: whether the British Parliament had or not the right to tax the colonies, the colonists themselves being unrepresented at Westminster. He boldly asserted that it had no such power, founding his argument on Sir Edward Coke's affirmation that in many cases the Common Law controls Acts of Parliament, since if a law is against common right it may be adjudged null and void. The ideas he enunciated on that and later occasions appeared blasphemous to many exceedingly sible and well-informed people, but to-day

they are—though not all of them—accepted generally enough. He maintained that God made all men equal; that kings were made for the benefit of the people and not the people for the advantage of kings, and that no government has the right to turn the people into slaves. These views, expounded with infinite force and eloquence, could not and did not commend themselves to the royal governors and their followers in America, still less to the king and his “friends” at home.

Samuel Adams, one of the most prominent men in Boston, and often styled “Father of the Revolution,” became the leader of the advanced party in Massachusetts. He had infinite energy, great skill in influencing the discontented—a “spell-binder,” in fact, as the Americans term that sort of man—and singular ability in rousing the masses. He was assuredly one of the most determined opponents of closer relations with the British government, and consequently saw in every measure put forth by the king or Parliament a danger to the liberties of the province. But while he rejoiced when, later, the issue was forced, it is conceded by American historians of to-day that he could never have, of himself and with all the aid he was successful in securing, have brought it to a crisis.

Benjamin Franklin remains to this day one of the shining examples held up for imitation by American youth. And certainly the success of



the man—the material success—and the influence he exerted during his lifetime justify the admiration felt for him. In a sense he resembled Rousseau in so far that, starting, like the Genevese philosopher, without a sound education and with no worldly advantages, he gained for himself a wondrous power over the minds of the men of his day. But in other respects there is no resemblance between the cautious Philadelphian and the flaming apostle of democracy whose words rang throughout France and hastened the coming of the Revolution. Franklin was a clear-headed business man, untroubled by deeper questions such as occupied the minds of New Englanders. Endowed with strong common sense, he judged life and men by his own standard. He had no use, or but slight use, for abstract ideas ; shrewd—all his actions show that,—a hard worker, determined to succeed, he is typical of his nationality. He rose by his own efforts and the advantage of the conditions of life in the colonies, to important posts. He represented his province in London, and was able to aid in winning the case of the Assembly against the proprietors. He was afterwards President of that Assembly and Minister to France. In short, his career was then and remains now a just example of the opportunities, wisely availed of, which America offers to every man of brains, honesty and perseverance.

On the British side three figures stand out : those of George III, of William Pitt and Edmund Burke.

George III has long been the object of execration on the part of Americans trained in the earlier, and not accurate, records of the War of Independence. And if there were not English testimony in support of the preponderating part he played in bringing about the separation, it might well be assumed that prejudice and hostility to the ruler against whom their forefathers rebelled were alone responsible for the general reprobation which has fallen upon him. He has long represented to the average American schoolboy the tyrannical Englishman, who sought to deprive the colonists of the liberties to which they were entitled.

There is of course much truth in that, from the American point of view, which time has made our own to a considerable extent, since the principle for which the Americans contended and which George III was resolute never to yield, is the principle which governs our relations with our Dominions.

It is no easy matter to be a king. And fortunate it is for the people over whom a man is set to rule if his head lies uneasy from thought of his duty to his people. It is not likely to be restless and disturbed if he thinks chiefly or exclusively of the duty of the people to him. That is the

way of the autocrat, of the believer in divine right. And unfortunately for himself and the maintenance of the bond between Great Britain and her American colonies, it was the way of George III. He was as unfitted for the crisis which he did so much to provoke, albeit he was not the only cause of it, as Louis XVI was to cope with the cataclysm that led him eventually to the scaffold or Tsar Nicholas to cope with the revolutionary elements in agitated Russia. Louis and Nicholas paid the penalty of being the wrong men with their life; George III, in his periods of madness, may have paid more severely than his American antagonists had any idea of.

One cannot help feeling some pity for these sovereigns who were out of place, and who thus wrought such infinite harm to the nations over which they happened to be set. All three were sincere believers in their own superiority to the inhabitants of their realms; all three were convinced that, because of their exalted rank, they knew far better than their multitudinous subjects what was best for these. It is one of the curses of autocracy not that the autocrat is convinced he knows better than any one else what is the right thing to do—there are plenty of people, not on thrones, who are similarly certain—but that he has the *power* to carry out to fatal and disastrous ends the objects he pursues.

They were all alike small-minded; George III

especially so. They had no breadth of mind, no largeness of vision ; their eyes were holden and their ears stopped. Louis XVI hated business and loved hunting and lock-smithing, but he exercised his power and willed to be obeyed as if he were omniscient. Nicholas was weak and superstitious and yielded to stronger minds that fooled him with adulation and flattery of his immense sway. George III had been schooled by a narrow-minded mother in the most thorough discipline of autocracy. He must always "be a king," that is, his will, not that of his subjects, must dominate. He hated men of parts, abhorred genius ; he was small, narrow, unfit to direct the State, yet blind to these facts and determined to have his way. He had it. As Green says, "in ten years he reduced government to a shadow, and turned the loyalty of his subjects at home into disaffection. In twenty he had forced the American colonies into revolt and independence."

The Briton of to-day, accustomed to government by the majority of the House of Commons, living under a truly constitutional King, cannot well realize the effect upon a high-spirited race, such as the colonists, of the obstinate resolve of George to compel them to do what he pleased and naught else. The colonists were not blameless : if they had grievances against the Mother-country, the latter had more than one just reason of complaint against them. But what rendered



the separation inevitable was not so much the fault-finding on both sides, not so much the ignorance of the people and the dulness of the officials at home and the impatience of the colonists abroad, as the antagonism between the principles incarnated in George III on the one hand, and in men like Patrick Henry on the other. The former stood for the right of the sovereign to rule, the latter for the right of the people to do so. Under such circumstances a clash was bound to occur, and the victory could not be with autocracy.

William Pitt, that earnest, single-minded patriot and statesman, was, naturally, detested by the King, and his ardent advocacy of the American cause strengthened the royal determination to do the very things which Pitt saw would most anger the colonists and confirm their opposition. At the time the Stamp Act was passed, he took part in the fierce debate upon the proposal to repeal it, and warmly approved the action of the Americans in resisting a law they looked upon as tyrannical and unjustifiable. The resistance was branded in the House as sheer rebellion, whereupon Pitt, in the course of the eloquent speech he delivered, exclaimed : " In my opinion this kingdom has no right to lay a tax on the colonies. . . . America is obstinate ! [America is almost in open rebellion. Sir, I rejoice that America has resisted. Three millions of people

so dead to all the feelings of liberty as voluntarily to submit to be slaves would have been fit instruments to make slaves of the rest."

Edmund Burke did not go as far as Pitt. He held that Parliament did have the right to lay taxes, internal as well as external, upon the colonies, but he urged that it was not expedient to exercise that power. The maintenance of the union between the seaboard colonies and Great Britain was of infinitely greater importance than the collection of a few thousand pounds at the expense of alienating a whole population. His speeches in Parliament were outspoken: he refused to believe that coercion could be productive of good, and as no man in the House was better acquainted with conditions in the colonies, his affirmations should have borne good fruit. He opposed all the subtle distinctions sought to be set up: "Seek peace and ensue it—leave America, if she has taxable matter in her, to tax herself. . . . Leave the Americans as they anciently stood, and these distinctions, born of our unhappy contest, will die along with it. . . . Be content to bind America by laws of trade. . . . Do not burthen them by taxes; you were not used to do so from the beginning. Let this be your reason for not taxing. . . . If (your) sovereignty and their freedom cannot be reconciled, which will they take? They will cast your sovereignty in your face. Nobody will be argued

into slavery. . . . Reflect how you are to govern a people who think they ought to be free and think they are not."

Of the ministers of George III, of his " friends " in Parliament, as the men in both Houses who docilely obeyed his orders and voted as he directed, little need be said. They were subservient tools whose occasional faint remonstrances could and did have no effect save the strengthening of the royal obstinacy. The real ruler was George III, and his policy it was that was followed and carried out. On him, therefore, largely rests the responsibility for the disastrous ending of the bitter controversy which the measures now to be summarized called forth, a controversy that ere long passed from the realm of disputation to that of open war.

## IX

### THE REVOLUTION

THE French war was not over—the Peace of Paris was not signed till 1763—Wolfe was scarcely dead and Montreal had barely surrendered when the first rumble of the storm that was to disrupt the Empire was heard. It was in 1760 that George III came to the throne, and within a year that the difficulties in America caused ill-feeling to develop rapidly on both sides of the Atlantic: difficulties due not to the accession of the new monarch but to the war still being waged. We have learned by bitter experience that wars involve enormous expenditure, besides causing death and destruction on a large scale. The war with France, for the securing the safety of the American colonies, was a costly one. The expenses of it had to be met. The ministry at home concluded that the beneficiaries, the immediate beneficiaries, should, in all justice, bear a proportion of them. Certainly some of the colonies had done their duty in this respect, Massachusetts notably, for she had spared neither men nor



money. Others, like Pennsylvania, had avoided, as much as possible, spending either. But all profited by the result of the war: Quebec and Montreal fallen meant that France was ousted from the continent and that the rich Ohio valley, so long coveted, was at last open to peaceful settlement and development.

There was justice in the claim that, advantaged by the expulsion of the French from Canada, the colonies should aid in discharging the heavy debt incurred by Great Britain. Assuredly they were the first to benefit, but Great Britain also was benefited. The defeat of the French in North America diminished the strain on the resources of the empire, and the struggle in India could be carried on with the greater ease. For at opposite ends of the world the two nations were opposed to each other.

Then there was the feeling excited first by the royal governors, which has already been referred to, and which did not tend to grow less as time went on; and these officials, compelled, on the one hand, to carry out the orders they received, and, on the other, persistently opposed by the people they were set over, could not but irritate yet further, however well intentioned they might be. The attitude of the British regular officers also was a contributory cause. Brought up in the traditions and methods of European warfare, professionals in the strictest sense of the word,

believers in the incontestable superiority of their race and training, they despised the colonial troops, ridiculed their style of fighting, so utterly different from theirs, albeit far better suited to the conditions of the country in which the war was waged. The soldiers likewise added to the embitterment by their treatment of the colonists, pillaging and stealing and generally behaving in the manner which, later, the great Wellington punished with stern severity.

Yet all these causes combined would not, in all probability, have sufficed to foster the development of antagonism till it reached the point of rebellion. It was the firmer application of existing laws, passed by the British Parliament, which determined the result, laws for revenue purposes.

Trade between the colonies and the Mother-country, as well as between them and foreign lands, was strictly regulated, as has been said. As usual fines and forfeiture were provided for breaches of the laws, but hitherto the enforcement of the penalties had been infrequent and mild. There was notoriously a great deal of smuggling going on : no one would have denied it or denies it now. How much of that smuggling affected the British revenue and how much was in violation of intercolonial systems it is impossible to say to-day. But the British Government, seeking to lighten the heavy burden of the British

tax-payer, made up its mind to make the revenue drawn from the colonies more fruitful.

The moment the intention was known, opposition hardened. Not that there was then or for some years later any thought of separation. All that was sought was freedom from shackles that were felt more irksome daily. Certainly this indicates a want of patriotism on the part of the colonists, but that sort of feeling did not exist either as regarded the Mother-country or the different colonies. They had, and it can scarcely be repeated too often, no bond holding them together, no common link save their allegiance to the Crown. New York was not disposed to make sacrifices for Virginia, the Carolinas for Maryland or Connecticut. It was each for itself, and the efforts made by the Stuarts to unite a number of colonies had failed.

The moment, however, their pockets were touched, the colonists displayed some tendency to cohere. The danger, as they viewed it, was common to all; the threat affected them equally. If smuggling was put down in Massachusetts, New Jersey would not be safe from interference by revenue officers. And in this the colonies were right: they clearly saw they were all concerned.

Two prohibitions bore very hardly on the colonial trade; those affecting sugar and tobacco. In 1733 had been passed the Molasses, or Sugar,

Act, by which the importation of sugar from the French West Indies into the American colonies was forbidden. The colonies were accustomed to obtain large quantities of sugar from that source, using it in the manufacture of rum. To enforce the Act strictly would have ruined this industry, and as there were no prohibitionists in those days it would have been felt as a national calamity. Tobacco might not be exported direct to European ports outside of Great Britain, but this was none the less done, and furthermore foreign cargoes were brought back and secretly landed. All this was a clear evasion of the Act. And if exportation was thus restricted to England, there was the great compensation that colonial tobacco had a monopoly of the English market. But the appetite grows by what it feeds upon, and the value of the English tobacco trade only made the Virginians the more eager to add also the European trade.

A third cause was the reprehensible practice of the various colonies to issue large quantities of paper money, a practice condemned by the Home government as fruitful of difficulties in exchange. But the love of it was strong among the colonists and grew instead of diminishing, for it seemed so easy a mode of discharging obligations that even Benjamin Franklin, a hard-headed business man, not only approved of it but initiated a large development of the system



in Pennsylvania, and only in later years did he entertain any doubts of the wisdom of the course. "I now think," he wrote, "there are limits beyond which the quantity may be hurtful."

It was, then, the revenue laws which inaugurated the conflict. The orders from home to enforce the law set the officials in busy motion, with practically no results whatever, for evidence was almost impossible to obtain and when obtained the juries would not convict. In some way the issue of a warrant always became known in advance, and the goods vanished mysteriously. Under these circumstances the customs officials at Boston applied to the courts for Writs of Assistance, which were simply search warrants of a most comprehensive character, authorizing the holders to enter and even break into any building. The merchants leagued together in opposition, and James Otis threw up his appointment in order to plead the case. The legality of the warrants was unquestionable, so he avoided this point and dwelt with much skill and eloquence on the general principle that such writs were tyrannical and Parliament had no power to legalize tyranny. This view was enthusiastically adopted by the people of Massachusetts, and forthwith all discussions turned upon the limitation of parliamentary power and the all-embracing right of the colonists to liberty.

This exciting event occurred in 1761, and two years later another brilliant barrister had his chance, this time in Virginia. Tobacco being the one staple in that colony had become the recognized medium of exchange, just as rum was at one time in New South Wales—a long time ago. All payments were calculated on the price of tobacco per pound, and salaries reckoned accordingly. The value varied from one penny to sixpence, according as the crop was large or small. In 1758 the prospects were that the crop would be short, and prices consequently high. The Assembly thereupon passed a law that payments might be made in money at the rate of twopence a pound of tobacco, which would leave a handsome margin to the payers. The clergy were hit by the measure, for it meant that with high prices their salaries would none the less diminish, and they appealed to the courts. This was the opportunity for young Patrick Henry, and the Parson's cause made him famous. He went much farther than even Otis, for he laid down the precept that government was a compact between king and people, under which each had duties to fulfil. The Assembly was bound to protect the people, oppressed by the king, and the Twopenny law was therefore sound law. The king had vetoed it, but this act of royal autocracy was mere bald tyranny and discharged his subjects from obedience. The

jury was enthusiastically on Henry's side and awarded one penny damages.

Grenville now came into power in England, and proceeded to lower the sugar duties in order to diminish the temptation to evasion, but at the same time he proposed to tax the colonies directly, by way of aiding in the maintenance of the force kept in America. He quite believed his proposals would meet with approval; instead they aroused the most violent opposition. The measure he devised for raising revenue easily was the levying of a fee on every document, practically of whatever nature it might be. A stamp, varying in denomination, was to be affixed to all papers to make them legal. The Stamp Act of 1765 was passed by the House of Commons with scarcely a remark. And the fierce outburst of anger in America surprised every one at home, although, as Burke in his speech of April, 1774, said, "After the resolution of the House, and before the passing of the Stamp Act, the colonies of Massachusetts Bay and New York did send remonstrances, objecting to this mode of parliamentary taxation." These remonstrances, Burke went on, "were suppressed, they were put under the table, notwithstanding an order of council to the contrary, by the Ministry which composed the very council that had made the the order; and the House thus proceeded to its business of taxing without the least regular

knowledge of the objections which were made to it."

It proved to be impossible to enforce the Act, and in June of 1765 Otis proposed to the Massachusetts House of Representatives that all the colonies should send delegates to a congress in the following October. The congress met and adopted a Declaration of Rights, in which they laid down clearly the fundamental principle which divided the colonies from the King and his ministry: "the people of the colonies are not, and, from their local circumstances, cannot be represented in the House of Commons," which was undoubtedly true, according to the interpretation the colonists put upon "representation." They added that no taxes "can be constitutionally imposed on them but by their respective legislatures."

Thus the Stamp Act was the direct means of uniting the colonies for the first time, and if that union was not very firm, it none the less stood the strain of the war that ere long broke out.

In July Grenville fell from power and Lord Rockingham assumed office. The London merchants were petitioning for the repeal of the Act; in America it was a failure. So it was repealed after a very bitter debate, in the course of which Pitt drew a distinction between the taxing of trade and internal taxation, which was refuted and rejected by Grenville and others. The Stamp



Act was repealed but at the same time was passed a Declaratory Act which "went far beyond what Pitt had advocated, in that it proclaimed the subordination of the colonies" to the British Parliament "without any qualification as to internal taxation."

Rockingham, in his turn, was displaced by "The Mosaic Ministry," nominally headed by Pitt, really, in that statesman's absence through illness, by the Chancellor of the Exchequer, Charles Townshend. He proceeded, in accordance with the powers granted by the Declaratory Act, to lay taxes on the colonies, not internal, however, which are known as the Townshend Acts. Colonial revenue was to be obtained by duties on wine, oil, glass, paper, tea and some other goods, imported into the colonies, the proceeds to be used to pay the salaries of the governors and judges appointed by the Crown, thus rendering them independent of the Assemblies—a sure way of irritating these, since they held that the check on those officials was of supreme importance. A Board of Customs was established, writs of assistance declared legal, jury trial abolished in revenue cases. The New York Assembly was deprived of its functions because it had not provided for the maintenance of the troops quartered there.

All these Acts raised questions of the greatest importance to the colonists, since they affected

directly the relation between them and Parliament, the right of trial by jury, one of the most precious safeguards of constitutional liberty, the control of the executive and the judiciary by the people, as requisite in the colonies as at home, and finally the already much disputed right of Parliament to tax goods imported into the colonies. It will readily be perceived that this was a crucial point, directly affecting the right of self-government by the colonists, and differing essentially from the uncontested right of Parliament to tax goods imported into Great Britain from the American settlements.

Massachusetts was hardest hit, and consequently took the lead in resistance, while expressly rejecting any thought or intention of separation. It cannot be too strongly insisted upon that the idea of independence not only was held only by a very few advanced Radicals, but was repugnant to the very great majority of the people. Doubtless the idea was growing in the mind of Samuel Adams, and he it was who led the way in representations to the other colonies recommending united action. The Home authorities took alarm at this, and ordered the governors to dissolve the Assemblies if they dared follow the lead of Massachusetts. The result was to unite them in opposition, and when the governor of the Puritan province refused, in accordance with his instructions, to summon the Assembly, a convention of

delegates was held, though to no great purpose. But it formed a precedent.

Virginia was roused to resistance in another way. There existed an old statute of the days of Henry VIII, when no colonies existed, providing that any English subject accused of crime outside the realm should be brought home for trial. No doubt that had been meant as a protection at the time. It was now used as a menace. The effect was to exasperate Virginia. The Assembly met in May, 1769, and in a few days adopted the famous Virginia Resolves. These declared plainly that the Assembly, with the council and the king, or his representatives, had "the sole right of imposing taxes on the inhabitants" of Virginia; that they had the right to petition for the redress of grievances; to join with the other colonies in petitions to the Crown; that trial by jury within the colony was also a right, and men should not be taken abroad for trial. The other Assemblies adopted similar resolutions, and they, as well as the Virginian, were promptly dissolved by the royal governors.

Next a non-importation agreement was adopted in the case of all goods taxed by Parliament. The effect was immediate: the merchants at home, alarmed at the loss of trade this would entail, petitioned to have the taxes abrogated. But the king, while consenting to this, declared that the *principle* that Parliament had the right to levy

such taxes must be maintained, and therefore one tax, that on tea, was perpetuated.

Matters were now assuming a disquieting appearance. The resolution of the colonists was merely intensified by the decision of the king, and the presence in New York and Boston of bodies of British troops accentuated ill feeling. Riots occurred, and a so-called "Massacre" in Boston wrought the people up to exasperation. It was not a massacre at all, but none the less—not many years ago—a monument to commemorate it was erected on Boston Common.

The Radicals turned all these difficulties to advantage: they inaugurated a system of Committees of Correspondence in the different towns of Massachusetts, and ere long the other colonies followed suit and a regular communication was established between them. This was the beginning of the concerted action which shortly afterwards eventuated in the assembling of the First Continental Congress. Virginia was the first to follow the lead, and four other colonies followed.

There were in England many who looked apprehensively upon the measures of coercion of the colonies, and who sought a means of palliating. The proposal was made to allow such drawbacks as would enable the colonists to get the tea more cheaply than it was sold in England, but the colonists were opposed not to the *cost* of the tea but to the *principle* of depriving them of the



right to decide what goods should pay taxes on importation into their own colonies: in other words, they claimed that they alone could tax themselves since they were not actually represented in the British Parliament. The Home authorities sent out shiploads of tea; nowhere was it allowed to be landed or sold. In Boston it was thrown into the harbour. This is what is known as the "Boston Tea Party." Unmistakably defied, the government in London became wrathful and enacted repressive measures well calculated to intensify feeling against Great Britain and to consolidate the opposition. The port of Boston was closed, which meant ruin to the place; the charter of Massachusetts was suspended, which was equivalent to the deprivation of all the liberties of the people; trial of persons charged with crime in riots was ordered to be held outside the colony, and troops were to be quartered within the province to compel compliance with these edicts.

A flame of anger swept over all the colonies, for it was quite evident that at any moment the others might share the fate of Massachusetts. Then the First Continental Congress was called together and met at Philadelphia on September 5, 1774. It was composed of the most prominent and able men in the country, and at once adopted a Declaration of Rights much like that of the Stamp Act Congress, and a resolution not to

import or consume taxed products. It also provided for the assembling of another Congress in May of the following year if, in the meantime, the grievances of the colonists were not removed.

Meanwhile in England feeling against the colonies, fanned by the government and the King's " friends " in Parliament, was steadily growing. The very ignorance of the people was utilized to array them against the colonists, and the rotten system of franchise then in existence was skilfully worked to obtain a tremendous majority at the general election at the close of 1774. The pliant Parliament passed at once rigorous measures of repression : Massachusetts was declared to be in rebellion and troops were ordered to reduce her to submission. In vain Chatham (Pitt had now entered the House of Lords), Burke, Fox and others sought to restrain the angry king ; the more they strove the more obstinate he became. The only " concession " Lord North, now at the head of the government, offered, was that the colonists might tax themselves provided they did so to the satisfaction of Parliament, so plainly an absurdity that no one took it seriously.

Events now marched on apace. General Gage, who commanded the Forces in America, brought a body of troops to Boston, and ordered the Assembly to meet, then forbade its doing so. The members formed themselves into a Provincial

Congress and in fact ruled the province outside Boston. Gage was practically helpless. His effort to seize stores accumulated by the colonists at Lexington and Concord, some miles out of Boston, merely brought about a conflict between the armed farmers and the troops; the latter had to retreat, harassed all the way by the sharpshooters. The result was the investment of Boston by the angry farmers.

Gage, shut up within the town, sought to free himself by seizing Breed's Hill, near Bunker Hill. On June 17 the British troops attacked and after heavy loss gained the redoubt, putting the Americans to flight. It was a Pyrrhic victory, for the defenders had shown that they were able to cope with regulars, and Gage was practically no better off than before. In the end he had to evacuate Boston, Washington, in the meantime, having taken command of the Continental army, occupied Dorchester Heights and forced Gage out.

Still the colonists were not technically at war with England. Washington himself yet hoped the differences might be composed, and so did Jefferson. Nor was there any wish to separate, save among a few of the more intractable colonists. But both sides were wrought up, and it became increasingly difficult for the voice of common sense to make itself heard. The determination of the colonists to vindicate their rights as British

subjects on the one hand, the equally determined obstinacy of the king on the other to make his personal will prevail, rendered the outlook for harmony dark indeed.



## X

### THE WAR OF INDEPENDENCE

"BEFORE 1775," says Channing, "independence was outside practical politics, and, in that year, few of the leading men among the Radicals wished for separation from England, or believed it to be possible. Earlier, the bogey of American independency had been used in England in the hope of compelling the ministry to retain an extra sugar island or two at the cost of restoring Canada to its former owners. French statesmen, also, had tried to save New France from Britain's conquering grasp by dilating on its usefulness as a check to colonial aspirations. In America these thoughts had never occurred to any number of men. The colonists were not at all opposed to monarchical institutions, nor were they hostile to the British kingship. They had outgrown the colonial condition, and desired to be permitted to govern themselves or to be given a share in the imperial councils on an equal footing with the dwellers in the parent state. Jefferson's *Summary View* may be taken as expressing the thoughts of an advanced radical

in the year 1774. In it he pictures the king holding the scales even between the several parts of the British Empire. To Jefferson Parliament was merely the local legislature of Great Britain. The political theories to which he and his fellow radicals so closely clung provided for kings and emperors, as well as for presidents and governors ; each and every political society had the right to settle for itself which of these forms was best suited to its welfare. There was nothing fixed in the framework of government ; the rights of man were unalienable and eternal. Imperial federation, not independency or democracy, was in Jefferson's mind ; but in 1774 he was in advance of public opinion, even in Virginia."

The Second Continental Congress met at Philadelphia in May, 1775, and declared war ; in June appointed Washington Commander-in-Chief, and advised Massachusetts to revive her charter. In July it adopted the "Olive Branch" petition to the king, which was summarily turned down when presented. It adjourned on August 1 to September 13. "The current was now running strongly against separation." But, in England, matters were moving also. The king was determined to reduce the colonists by force, and on August 23 issued a proclamation declaring the Americans rebels. Parliament—not, it is true, till after long and acrimonious debate—prohibited all trade and intercourse with the colonies so

long as the rebellion lasted. Inevitably this hardened the colonists' hearts. Near the end of October the news of the proclamation reached Congress and revolutionary measures were at once adopted, including correspondence with France and other foreign powers ill-disposed towards Great Britain.

Two events in particular roused the colonists, the one filling them with righteous anger, the other inflaming their enthusiasm: the hiring of German mercenaries to slaughter British subjects, and the publication of Tom Paine's pamphlet *Common Sense*.

To put down the American rebellion there were not troops enough at home, and according to the practice of those days, application was made to German rulers, in the habit of selling the bodies of their subjects, for the necessary supply of men. These were obtained at the rate of seven guineas apiece, and filled the ranks of the various regiments besides being formed into separate units. Thirty thousand men, who were and are still known in America as "Hessians," were sent across. But the effect was disastrous: the spirit of loyalty to the old country, which was resorting to such means, was destroyed in the majority of breasts.

The appearance of Paine's pamphlet, on the other hand, caused the most remarkable demonstrations of patriotism. It was rhetorical, undoubtedly, but rhetoric is powerful over minds

that are excited. Paine declared that the day was past for compromise or debate ; there only remained the resort to arms. It quickened the feeling in favour of independence and thereafter this grew more and more rapidly.

Many, none the less, remained staunchly loyal to the British connection : these were the Loyalists, who sacrificed lives and property in the cause to which they were devoted. They were of considerable assistance to the royal commanders during the course of the war, though their numbers never rose to the figures anticipated by their leaders. As the war assumed a more bitter character they were often cruelly treated, and if the British troops, as is undeniable, committed outrages, so did the Americans, and with particular satisfaction upon the Loyalists. It is difficult to understand to-day the peculiar hatred these people aroused, for they were only exercising the same right of self-determination which the revolted colonists were upholding. At the close of hostilities they fared scarcely better, and the government of the newly created United States failed completely to redeem its solemn pledges in regard to them.

The war lasted practically six years, for after the surrender of Cornwallis at Yorktown on October 19, 1781, both sides felt the conflict was decided. The result was such as might have been foreseen : the impossibility of "conquering a



map," as Chatham had put it. The British were no longer fighting the subjects of an autocratic colony like Canada under the French, but men of British blood filled with the unconquerable British resolve to vindicate their rights.

The attempt to conquer the revolted colonies by a war on land did not commend itself to several of the men at home who understood the position, and the event proved them right. High officials at the War Office were opposed to it; they considered that sea-power would be effectual where land-power was bound to fail. The Secretary for War held that blockade of the coasts would bring about the desired result, but there were already troops in the colonies and these had to be brought out or used. Besides the Home government entertained no doubt of a successful issue.

The theatre of war lent itself to defence and made attack difficult. From north to south it stretched for over a thousand miles; in breadth it was in places not a tenth part of that. New York was of course the main strategic point in the north, and the great valley that had so long been the channel of communication between Canada and the seaboard was available. If New York could be held against the colonists, the American armies would be cut in half. Then again it was thought possible to sever the southern colonies and thus to confine another body of the

“rebels” within a district wherein they might easily be reduced. Theoretically the campaign ought to have succeeded ; practically, it proved a failure. Successes were indeed gained, and the three principal ports on the Atlantic seaboard remained in British hands, but while victories were also won on land, Philadelphia, Charleston, Savannah occupied, the general result was unfavourable, and already in 1777 the tide had turned against the Mother-country.

Admiral Mahan, in his *Influence of Sea-power upon History*, sums up the peculiar advantages of the colonists in the struggle thus :—They “ lay in the distance of the colonies from home, their nearness to each other independently of the command of the sea, the character of the colonists—mainly of English and Dutch stock—and the probable hostility of France and Spain. Unfortunately for England, the men most able to cope with the situation were in the minority and out of office.” And elsewhere, commenting on the use made of British sea-power in the war :—“ The English dispositions on the American continent were very faulty. Holding Canada, with Halifax, New York, and Narragansett Bay, and with the line of the Hudson within their grip, it was in their power to isolate a large, perhaps a decisive, part of the insurgent territory. New York and Narragansett Bay could have been made unassailable by a French fleet of that day, thus assuring

the safety of the garrisons against attacks from the sea and minimizing the task of the navy; while the latter would find in them a secure refuge, in case an enemy's force eluded the watch of the English fleet before a European arsenal and appeared on the coast. Instead of this, these two ports were left weak, and would have fallen before a Nelson or a Farragut, while the army in New York was twice divided, first to the Chesapeake and afterward to Georgia, neither part of the separated forces being strong enough for the work before it. The control of the sea was thus used in both cases to put the enemy between the divided portions of the English army, when the latter, undivided, had not been able to force its way over the ground thus interposed. As the communication between the two parts of the army depended wholly upon the sea, the duty of the navy was increased with the increased length of the lines of communication."

Channing adds that the climate also favoured the colonists, while—and this should be noted carefully—" *their greatest disadvantage was the small proportion of the people of the continent who desired separation from England and were willing to fight for it. Probably less than half of the people favoured independence.*" This does not imply, he adds, that all these were loyalists: "the number of loyalists who were willing to enlist in the British service at the risk of their lives was considerable,

but nothing like one half of the male population of military age."

At the close of 1775 two American forces, the one under Montgomery, the other under Arnold, invaded Canada, the former attacking and taking Montreal, the latter investing Quebec. Montgomery joined Arnold under the walls of the fortress and, on the last night of the year, in a blinding snowstorm, delivered an assault which cost him his life, Arnold being wounded and the Americans driven back. When spring came the force was withdrawn with difficulty, but it had at least accomplished this much that it had compelled the British to reinforce the army in Canada and had diverted so many, therefore, from the more important theatre of war.

Then Washington forced Gage to evacuate Boston, by seizing the Dorchester Heights, while in the south an attempt to seize Charleston was frustrated by the gallantry of the defenders.

In the previous October news of the royal proclamation of August 28 had reached America, and hardened the resolution of those who were now determined upon separation. Yet with all their fervour they could not bring about so plain a state of opposition to the British connection as they desired. Virginia was even more resolute than Massachusetts to free itself of the rule of King George, but other colonies more than hesitated. North Carolina, Maryland, Delaware,



New Jersey, New York were angered, it is true, yet would not freely enter into a compact against England. In May, 1776, the Maryland Conference ordered its delegates to vote against any declaration of independence ; in Pennsylvania the parties were evenly balanced ; the New York delegates were actually without instructions to support separation on the very day, the Fourth of July, when it was decided on, and they did not vote for it.

The news of the coming of the German troops hired by the king caused the most bitter irritation and unquestionably hastened the resolve to declare independence. The Congress advised the colonies to set up self-government, and on June 7, 1776, Richard Henry Lee, of Virginia, moved three resolutions in Congress: the first declaring the United Colonies free and independent States, the second providing for foreign alliances, and the third setting forth a plan of confederation for submission to all the colonies.

Thomas Jefferson was entrusted with the task of drawing up the declaration itself. When Lee's resolution came up for debate, it was vigorously opposed, and had the vote been taken at the close it would have been lost, nine states only being distinctly in favour of it. A postponement till the next day enabled the supporters of the motion to swing some of the doubtful votes into line, and thus the Declaration itself, as drafted by Jefferson, was discussed. Some important

omissions were made: the Declaration affirms that "all men are created equal," but nowhere does it say that they are created free. In view of the fact that while manhood was practically denied to the negroes these did look like men, such an affirmation would have aroused the most violent opposition from the slave-traders and slave-owners. The North, and New England in particular, while not being as largely slave-holding as the South, was equally interested, pecuniarily, in the continuance of slavery, for much of the slave-trade was carried on in New England ships.

Another, and equally regrettable omission, was that of the words Jefferson had put into the last paragraph, and which expressed regret that separation had become inevitable: "We might have been a free and great people together."

Locke's works inspired the Declaration; his very words are used at times, and phrases have been drawn from his *Second Essay of Government*. But Jefferson put a fire in them which the original lacked. The belief that he was largely inspired by Montesquieu and Rousseau is scouted by Channing: "The idea of equality is found in English theoretical writers from Locke backward to Hooker, while Rousseau's *Social Contract* begins with the words 'Man is born free.' Moreover, there is no evidence whatever that Jefferson in 1776 was influenced to the slightest degree by the ideas of Rousseau."

The fighting, meanwhile, was of a desultory character. Washington had been forced to evacuate New York and to proceed south. He rounded on his opponents, made his famous crossing of the Delaware through and upon the ice and won a considerable success at Trenton and Princeton. By the end of the fateful year the British held New York and Newport, and little else.

The next year saw the tide turn decisively in favour of the new power, and the first striking disaster to the British arms. The authorities at home determined to join the forces in Canada and in New York, thus, if successful, severing New England from the rest of the country and rendering its reduction much easier. Burgoyne accordingly started on his march: he had to traverse a wild region in which his foes found innumerable points from which they could harass him, and his line of communications became increasingly longer and more exposed. Ere long he was hemmed in at Saratoga, and compelled to surrender on October 17.

It is true that British victories had been won earlier at Brandywine and Germantown and that Philadelphia had been taken by Howe, but these successes could not and did not diminish the effect of the later American triumph, the immediate result of which was the recognition, on February 6, 1788, of the independence of the

United States by France, and the dispatch of aid by Louis XVI. This action on the part of the French monarch in nowise meant that he approved of republics or of colonies breaking away from the parent state. But the opportunity of dealing a blow at the power which had defeated France in a long war was not to be missed, and troops and ships were accordingly ordered across the Atlantic.

This French help was of the utmost value to the Americans, and their gratitude for its efficacy and opportuneness has never died out, not even the scurvy treatment meted out to their country by Napoleon having affected it. Among those of the new allies who proved of the greatest value were Lafayette, whose name is even now and most properly held in affectionate remembrance throughout the United States; Baron Steuben, who drilled the American troops; and Kalb, the military engineer.

The year 1778 saw the evacuation of Philadelphia by the British, and, late in the season, their capture of Savannah, but it was marked especially by the dreadful Indian atrocities in the Wyoming valley in Pennsylvania and in Cherry valley in the state of New York.

The following year France acted energetically, Lafayette having succeeded in persuading the French king of the great opportunity that presented itself of striking a deadly blow at England.



France had guaranteed the independence of the United States, which, in Lafayette's opinion, could not be secured without instant and efficient assistance from her ally. Great Britain was at the time opposed by practically the whole of Europe, and the moment was favourable for her hereditary enemy to cripple her. A force of seven thousand five hundred men, drawn from the flower of the French army, was sent across under the command of Rochambeau, who had under him Count Fersen, later to become famous as the devoted friend and champion of Marie Antoinette, and Berthier and Dumas, who in later years rose under Napoleon to the rank of Marshals of France. The fleet bearing this welcome aid reached Newport on July 10, 1780.

Now was sensibly felt the evil effect of the restoration of the West India islands which England had won from France in the preceding war and restored to her at the conclusion of peace. They formed a natural and powerful base for the French fleets under d'Estaing first and de Grasse next, and it was the co-operation of de Grasse with Washington that led to the surrender of Cornwallis at Yorktown. Similar restoration of Louisburg had cost dearly ; the proposed surrender of Gibraltar had only been narrowly averted by an outburst of popular indignation, yet the lessons had not been learned and the islands had been given back.

What sea-power, even on a reduced scale, could do, had been exemplified not only by the activities of the innumerable American privateers that swarmed in every sea, destroying and capturing British ships and venturing even on the Irish and English coasts, but also by the exploits of the famous Paul Jones, then branded as a pirate by his enemies, but really an energetic and resolute officer of the American government. It was he who, holding at the time the rank of first lieutenant on Commodore Hopkins' flagship, the *Alfred*, hoisted for the first time the new flag of the United States on that vessel on December 3, 1775. Afterwards, in command of the *Bonhomme Richard*, he fought and captured the *Serapis* off the Yorkshire coast. It was bitter for British pride, but the bitterness ought not to diminish admiration of the resource, skill and courage of the brave enemy.

The year 1780 saw the capture of Charleston by the British and the raids of Tarleton in the south, Cornwallis fighting successful engagements but being unable to reap the fruits of them. And now all Europe was opposed to Great Britain: the year 1781 bringing the same ups and downs of victories and defeats, and witnessing the second—and final—great disaster to our arms. Cornwallis, penned in at Yorktown, with Washington and the French investing him in his works and de Grasse with his fleet closing the way to the

sea On October 19 he surrendered, and the war practically came to an end, for it was realized in England that all hope of compelling the colonies to return to their allegiance had vanished for ever.

King George would fain have carried on the attempt, but the people were sick of the conflict, and the national treasury could stand no further drain. The "king's friends" were daily losing their influence, which meant that the king himself had lost his hold on the nation. One ministry after the other was installed and fell; the younger Pitt was actually called on to form a ministry in the face of a hostile majority. He carried on through a momentous winter, dissolved Parliament and appealed to the country, winning with a greater majority than had ever been secured by any of his predecessors. That gave the death-blow to the hopes of George III. Personal rule was rejected by the people of Great Britain.

There was again to be war between Great Britain and the United States: the legacy of enmity was to affect the relations of the two countries for many years, and not only to cause the war of 1812 but to engender a mutual feeling of distrust and hostility which has been largely eliminated by the comradeship of the two countries in the Great Crusade. And to the diminishing and effacing of these feelings of bitterness and enmity the action of the British people, under successive

governments, has very largely contributed, while in America, especially of late years, there has been a steady and resolute effort to present the facts of the Revolution without the falsities and exaggerations which so long darkened them. The wisest and most impartial writers and teachers have sought, and not in vain, to put the truth before the Americans. As an example of the earnestness of these men the following excerpt from John Fiske's *The War of Independence* is instructive :—

“ George III profited by the division between the two Whig parties ; and as the quarrel with America grew fiercer, he succeeded in arraying the national pride to some extent upon his side and against the Whigs. This made him feel stronger and stimulated his zeal against the Americans. He felt that if he could first crush Whig principles in America, he could then turn and crush them in England. In this he was correct, except that he miscalculated the strength of the Americans. It was the defeat of his schemes in America that ensured their defeat in England. It is quite wrong and misleading, therefore, to remember the Revolutionary War as a struggle between the British people and the American people. It was a struggle between two hostile principles, each of which was represented in both countries. In winning the good fight, our forefathers won a victory for England



as well as for America. What was crushed was George III and the kind of despotism which he wished to fasten upon America in order that he might fasten it upon England. If the memory of George III deserves to be execrated, it is especially because he succeeded in giving to his own selfish struggle for power the appearance of a struggle between the people of England and the people of America ; and in so doing he sowed seeds of enmity and distrust between two glorious nations that, for their own sakes and the welfare of mankind, ought never for one moment to be allowed to forget their brotherhood."

## XI

### THE BREAKDOWN OF CONFEDERATION

ON April 19, 1783, the anniversary of that day at Lexington where, eight years before, "the embattled farmers stood and fired the shot that sounded round the world," the cessation of the war was formally proclaimed to the soldiers of the Continental army. On September 3 of the same year, the treaty of peace was signed at Paris, and the independence of the new United States formally recognized by Great Britain. The independence declared at Philadelphia on July 4, 1776, was now an accomplished fact, and it seemed as if the way of the Thirteen States was plain before them and all blessings were to attend the new nation.

But instead of a period of immediate prosperity and harmony, the late colonies entered upon an era of such perilous dissension and weakness that the Confederation was time and again on the point of being disrupted, and that not only did George III anticipate the speedy return of some—if not all—of the States to his rule, but in America itself men looked to see the establish-

ment of at least three and perchance four separate and antagonistic federations.

In point of fact there was no NATION, in the proper sense of the word ; merely a congeries of States loosely held together by the bond of a Confederation that was powerless to do more than recommend measures and see its recommendations flouted or ignored. The various States stood firmly on the principle of their individual independence and sovereignty ; they had rebelled against the British sovereign in order to conserve the freedom which they had brought from England, and they were more than averse from any form of government which might, in howsoever small a degree, interfere with that jealously prized liberty and sovereignty.

Before the war, as has been said, the colonies had been bound together solely by their common allegiance to the Crown. There did not exist any true national feeling, and Patrick Henry's declaration : " I am not a Virginian, but an American," met with scant favour. The patriotism of the colonists, now citizens of the newly independent States, was particularist : their allegiance was to their own State and to it alone ; each State was jealous of the others, distrustful, disinclined to make any sacrifices in cases in which its own interests were not immediately involved.

This need not surprise : the change from separate provinces to nationhood could not come about

suddenly. Provincial, colonial interests had ruled so long that the idea of the individuality of each State was profoundly ingrained in the minds of men. They had yet to learn that a nation is not the creation of a document, but of common ideals and common sacrifices and common traditions. It would have been a miracle had the Thirteen States suddenly been thrilled by the sense of nationhood. Their record was of attempts at union, followed usually by failure.

There had been several federations and attempts at federation. In 1643 the New England colonies had banded together and had benefited by the cohesion thus established, but the high-handed methods of Massachusetts, the most powerful of the four partners, and the feeling in that colony that it was made to bear an undue share of the costs of the wars, brought it to an end.

The Albany Plan of Union, devised by Benjamin Franklin in 1754, which promised well in writing, and did seek to establish a central government endowed with the necessary powers, was unanimously rejected by all the colonies. Nor was it till 1765, when the passage of the Stamp Act roused the Americans to a sense of their danger from the oppressive measures of George III and his subservient Parliament, that a real approach to union was achieved in the calling of the Congress in which all the colonies, except New Hampshire, were represented. The Committees of Corre-



spondence, sprung from the parent organization in Massachusetts, did indeed tend to draw the leaders throughout the country together and prepared the way for the First Continental Congress in 1774, from which Georgia alone stood aloof. Then came the Second Continental Congress and the formation of State Constitutions, whence were subsequently drawn parts of the Constitution of the United States.

In the presence of the peril of war the Continental Congress assumed and exercised sovereign power, taking on itself the general charge of the defence of the colonies, of the creation of an army and the management of foreign affairs. Even in this, however, it continually met with serious difficulties, some of which threatened to be insuperable. The colonies would refuse to comply with the requisitions addressed to them, and deny the granting of the men and money asked for and imperatively needed. The record of Washington's army at Valley Forge and the cruel indifference of the Assemblies to their bitter needs is illustrative of that spirit. It was the working of the resolve and belief of individual sovereignty and independence, strengthened by the deep-seated mistrust of a standing army which permeated the population in America as it did in Great Britain, where, for so many years, men and money for the Forces had to be voted annually in the Mutiny Act.

So when peace came and the States were free to govern themselves as they saw fit, obstacles of all sorts appeared and stood in the way of the most pressing necessity of the hour: the establishment of a strong central government capable of binding the States together and creating a feeling of nationality. All the old jealousies revived, and together with these was manifested an increased hatred of Great Britain, and especially of the Loyalists who had been treated with the utmost harshness and against whom individual States, in direct and flagrant defiance of the recommendations of Congress, passed laws of downright persecution and extortion, while the collection of debts justly due to British merchants and others was either impeded, delayed or absolutely prevented.

Washington himself was amazingly bitter against the Loyalists, holding that they should be treated as traitors to the United States, wholly forgetting in the excess of his wrath the loudly proclaimed "unalienable rights to life, liberty and the pursuit of happiness" with which the Declaration of Independence begins. In his extreme views he was supported by Benjamin Franklin, which is not surprising, for if a man of high and usually noble views like Washington could deliberately express himself as he did, a man like Franklin, who was "practical," would not entertain higher ideals. In contrast to both

of them was the radical Adams of Massachusetts, who held that if his countrymen owed money they were bound to pay it, if they wished to be looked upon as honest men. But in this he stood practically alone.

This repudiation of solemn engagements led to similar action on the part of the British government. Two wrongs do not make a right, and although reasons can of course be adduced in justification of the course pursued, it is impossible not to regret that the Home authorities did not fulfil their part of the bargain and leave the onus of repudiation wholly to the Americans. It is no doubt true that they looked to compel, by their action, the United States to enforce the provisions of the treaty and to do bare justice to the Loyalists. In the end, that failed, and the Loyalists were the sufferers. It was stipulated in the treaty that the military posts in the North-west, occupied by British troops, should be evacuated, but, for the reason given above, they were not yielded up till June 1, 1796.

Still another source of friction arose from the fact of American independence. So long as the colonies had formed part of the British Empire they had profited by the operation of the Navigation Acts and the trade laws, albeit these did at times bear hardly upon them. But on the whole they had decidedly been advantaged by them, since these laws restricted British trade to

British subjects. With independence the inhabitants of the United States automatically lost the rights and privileges they had enjoyed as British subjects, and many a profitable avenue of trade was suddenly and effectually closed to them. They chose to look on this logical and inevitable consequence of separation as a gross and crying injustice, and bitterly resented the closing of the markets they had been used to.

Nor was it only the commercial restrictions which affected them in their intercourse with Great Britain and her dependencies that told on the new Union. France had very gladly used the revolted colonies to strike back at the power which had shorn her of India and Canada and gained the supremacy at sea. But once the blow was dealt and the American Republic fairly established, the French monarchy ceased to feel any sympathy with it and put into force against it its own commercial restrictions, as also did Spain. All privileges granted by France during the Revolution were withdrawn, while Spain closed many of her ports against the Americans.

The utter powerlessness of Congress, under the Articles of Confederation adopted in November, 1777, became fully apparent. No wonder. These Articles laid down that the Confederation was a "League" merely; each State, no matter how large, populous, wealthy, or small, sparsely inhabited or poor, was to have one vote in one



Chamber: the then Congress ; the Congress had no authority whatever over the individual citizens and could deal only with the States as such. Even in its relations with these it had no supreme authority, it could not coerce them any more than any one man in the country.

To the European powers, naturally, the United States were a political entity, like Great Britain or France, and only with the central government could negotiations take place. But the States being at variance with each other failed to come to any unanimous consent so to strengthen Congress that it could, for instance, carry on negotiations for the regulation of commerce. The fundamental conception of the independent and supreme sovereignty of each State was so rooted in the minds of the Americans, and they were yet so far from realizing nationality, that they complicated an already bad situation by internecine quarrels and interstate commercial warfare. New York legislated against New Jersey on the one hand and against Connecticut on the other, and these on their part indulged in reprisals. Farther south Delaware, Maryland and Virginia were quarrelling violently on the subject of the commerce of the Potomac.

The financial situation was as bad as it could be. Congress had no power to levy taxes : that was the high privilege of each State legislature ; all it could do was to apportion the amounts

required from each State and hope to get it, but it had no power whatever to compel payment. As a matter of fact, the States were heavily in debt; currency was depreciated by the lavish issue of paper money, and a strong movement for the repudiation of private debts eventuated in armed risings and the actual stoppage of the proceedings of the courts of law. In Massachusetts one Daniel Shays raised a body of farmers and labourers, and but for the prompt action of the authorities of the State would have brought about civil war.

This ugly development greatly aided the larger part of the inhabitants, not of Massachusetts only but of the majority of the States, to realize the absolute necessity for the existence of a strong central power. Washington lent his aid and influence in a circular to the Governors of States, in which he put the case clearly: "It is yet to be decided whether the revolution must ultimately be considered a blessing or a curse. . . . This is the moment to establish their" (the American people's) "national character for ever. . . . There should be lodged somewhere a supreme power to regulate and govern the general concerns of the Confederated Republic, without which the Union cannot be of long duration."

Plainly the Articles of Confederation were worthless in this respect. On July 21, 1775, Franklin had proposed a plan, and a year later

Dickinson, of New York, had brought another forward. Franklin's would have, to a considerable extent, avoided the weakness which eventually proved destructive; Dickinson's consecrated the wrong principle. Franklin provided that commerce should be regulated by Congress, Dickinson by the States severally; Franklin wanted representation in Congress to be based on population, Dickinson held out for one State one vote; Franklin, that amendments should be made by a majority of States, Dickinson that unanimous consent of the States should be obligatory. The difference is plain: Franklin's plan would have constituted a central government endowed with certain clear powers; Dickinson's, which prevailed, was based on the principle of the independent sovereignty of each State and led to the confusion which has been described.

This opposition in principles was to be in the future at the root not only of the formation of the political parties which ere long sprang up, but of the Civil War itself. And till the supremacy of one or the other was definitely established, the United States could not attain either its right development or its fullness of power and usefulness.

But, as is not infrequent among men, the partisans of the one or the other principle, while hotly declaring it to be unassailable and permanent, did not, when circumstances seemed to

make it advisable, hesitate to throw it overboard and to adopt for the nonce that which they had denounced. On the other hand, the adoption of the Articles, imperfect and unworkable as they proved, showed, in spite of the slowness of the ratification—four years—that the desire to have some stable form of union did exist, and in so far this feeling worked eventually for the success of the Constitution.

The delay in the ratification of the Articles of Confederation was due to several causes, a principal one being the conflicting claims of different States to lands yet unsettled or only partially occupied. By the treaty of peace of 1783 an enormous area was added to the territory recognized as American, that is, from the southern boundary of Canada to the northern limit of Florida, and west to the Mississippi.

Under the old charters granted by the Kings of England to the early colonists, some of these provinces could claim large portions of this territory. Massachusetts, Connecticut, New York, Virginia, maintained, with more or less justice, that these new lands belonged to them. On the other hand, New Hampshire, Rhode Island, New Jersey, Delaware, Maryland, Pennsylvania, whose charters did not even remotely sanction claims of this nature, opposed the demands of the other States and maintained that the new terri-



tory should be used for the common benefit of all the members of the Union.

The advocates of a strong central government supported this view, since the creation of a national domain under the control of Congress would go far to give that Assembly the vigour and stability it so badly needed. As the non-claimant States delayed ratification of the Articles till this question should be settled, Congress recommended—it could do no more—that all claims be ceded to it on behalf of the nation at large. New York led the way in 1781, Virginia followed in 1784, Massachusetts in 1785, and the others came in between 1786 and 1802.

No sooner had New York and Virginia ceded their claims than Congress legislated for the new territories. The law it passed was called an Ordinance, and was subsequently replaced by the more famous Ordinance of 1787. The object was to provide for the ultimate formation of new States and Territories under a republican form of government, and for subsequent admission of these States to the original Union.

It is, however, the Ordinance of 1787 which actually settled the practice ever since followed in the formation of Territories and their development into States. A powerful company, the Ohio Company, was formed in New England, with the object of colonizing a large tract of land in the new possessions, but the company

asked, as part of the compensation for the purchase, the establishment of a strong government. The Ordinance was the reply to this request. "The most important piece of legislation of the Confederation epoch," as it has been defined, applied only to the territory northwest of the Ohio, and provided for the eventual formation of three to five States. These were admitted later as Ohio, Michigan, Illinois, Wisconsin and Indiana.

In the first instance Congress appointed the governor, judges and military officers. The governor and judges were vested with legislative powers, subject to the veto of Congress. The area set off under this form of government was denominated a Territory. As soon as the Territory was occupied by not less than 5000 free inhabitants, these were to elect delegates to a House of Representatives, which, with the governor and a council—the latter appointed by Congress—formed the Territorial Assembly. The Assembly had full legislative powers and sent a delegate to Congress, but he did not possess a vote in that body. On the free population reaching the number of 60,000, the Territory might be admitted as a State, on an equality with the original Thirteen. Meanwhile settlers were guaranteed full civil rights. It is in this wise that the original Thirteen States have grown to forty-eight.

The Ordinance contained provisions which, later, were to give rise to serious contention. Those regulating the equal distribution of the property of intestates and imposing absolute religious freedom worked well all along, but the prohibition of slavery, except as a punishment for crime, gave rise to much trouble with the slaveholding States, and the further provision for the return of fugitive slaves was sure to arouse hostility in the North, and did not fail to do so.

Even before the Articles of Confederation were ratified by all the States it was seen that they did not provide for a sufficiently strong central government. In 1781 a proposal to give Congress power to impose import duties was approved by twelve of the States, Rhode Island alone opposing and killing the measure. Two years later, a similar amendment again gained the consent of twelve of the States, but this time New York opposed and prevented its execution.

It was evident that the machinery was at fault, and among the men who not only saw this but desired to remedy it were Alexander Hamilton, a native of the island of Nevis, in the British West Indies, and one of the most notable statesmen of the new United States, and James Madison, of Virginia. Hamilton occupied at the period under review and for years later the position of the most brilliant and the soundest financier in

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the country, as Morris had done during the revolutionary period. A thorough believer in a strong central government, he was very largely responsible for the successful working out of the preliminaries to the framing of the Constitution as well as of the drawing up of that most important document.



## XII

### THE CONSTITUTION

THE genesis of the Federal Convention which elaborated the Constitution of the United States is simple. The quarrel between Virginia and Maryland respecting the trade on the Potomac, was sought to be composed by delegates from these States who met at Alexandria. It was then proposed that delegates from Pennsylvania and Delaware, both of which were interested in the subject under discussion, should be invited to join the conference. From this it was but a step to the suggestion that the wise course was to survey the whole question of the commerce of the United States. A convention was therefore summoned to meet at Annapolis when delegates from five States only appeared. These determined to hold another convention in 1787 at Philadelphia for the special purpose of amending the Articles of Confederation. The proposal was brought before Congress, which signified its approval of the scheme, and all the States, save Rhode Island, concurred.

The convention, whose labours were to bear such good fruit for the country, met on May 25, 1787, and was composed of a remarkable number of the leading men in the country. Washington was chosen to preside; Alexander Hamilton, Benjamin Franklin, Robert Morris, Gouverneur Morris, James Madison, and Edmund Randolph—the two latter both Virginians—were there, as well as John Dickinson, who had reported the original Articles, and many other men of mark. The convention met daily till September 17, and its proceedings were carefully kept secret, in order that popular clamour and uninformed debate might not interfere with the serious deliberation needed to carry out wisely so great an enterprise as the framing of a Constitution that should not only provide for the right government of the country as it then was, but also for that of the yet greater land which so many beheld as in a vision of the future.

The purpose for which the Convention had been summoned and which it was instructed to carry out was simply the revision and improvement of the Articles of Confederation. It was to determine what amendments should be made to it and report these to Congress and the individual States; if approved by the former and ratified by all the latter, they were to come into force as the law of the land.

Most wisely the members of the Convention

wholly disregarded their instructions and at once widened the scope of their labours. Instead of merely formulating amendments to an instrument incapable of real improvement, they set about devising a Constitution that should really bind the States together and provide a strong central administration on republican lines. They were entirely able to do this because of the admirable political training they had received and of their acquaintance with constitutional history and its evolution in England. Already several of the States had drawn up constitutions for themselves ; others, such as Connecticut and Rhode Island, were still working under the liberal charters they had received. All the colonists were accustomed to written constitutions, to a written organic law and to a fundamental explanatory law.

In all the States, without exception, the essential basis was the inalienable rights of man, as specified in the preamble to the Declaration of Independence. Further, the belief in the necessity of the separation of powers, so that the executive, the legislative, the judicial should balance each other and not at any time be exercised by one body of men. Another point was insisted upon : the set termination of office after a given time, for the Americans dreaded, and with much reason, the danger of perpetuity in office.

A serious difficulty which had to be faced was the ever-recurrent question of the supremacy of the individual States. As has been said, the doctrine of States' Rights, as it was later best known, was held by men opposed to each other on grave questions of policy, precisely as it suited them for the moment. But it remained a doctrine, a belief, a cardinal article of the political creed of many Americans.

Congress held contrary views at diverse times : in 1780 it sought to impress upon the States that "our very existence as a free, sovereign and independent people" depended upon the establishment of a federal union on a permanent basis, but in 1782, during the negotiations for peace, it put forward the doctrine of State sovereignty in unmistakable terms, when it directed the Commissioners in Paris to claim the western lands on the ground that they belonged to the individual States, and, if this could not be maintained, the lands were to be deemed to have devolved upon the United States collectively, whereupon Richard Henry Lee and Theophilus Bland declared that the States having been in existence before the United States were created, they retained their individuality and their sovereignty unimpaired.

Another thorny problem was that of representation in which the question of slavery at once intruded itself.

In the end the Constitution was, in these respects,



a compromise, and, so far, in accord with English national practice. It provided a system of checks and balances, and the very indefiniteness of some of its provisions proved, as the years passed and circumstances changed, a real source of strength.

Two plans were proposed and discussed: the first known as the Virginia plan, the second as the New Jersey plan. The former sought the formation of a national government with a legislative body of two Houses, representation in both branches to be on the basis of population. As this would give the then larger States the control of the legislature, the smaller States, New York—now one of the most important and powerful—Maryland, Delaware, Rhode Island, opposed it tooth and nail. The appointment of the executive and the judges was to be in the hands of Congress so that every avenue of power would apparently be closed to the smaller States.

For these and other reasons they supported the New Jersey plan, which aimed at perpetuating the system of one State one vote, while conceding to Congress the power to regulate trade, to raise revenue and to compel the several States to obey congressional laws.

Eventually the Virginia plan was adopted as a basis for discussion, and the Convention proceeded to the intricate task of reconciling conflicting interests. The first great compromise was on

the question of representation, and it was finally decided that in the Senate, or Upper House, each State should have an equality of votes, while in the House of Representatives population should form the basis.

But this agreement forthwith involved another issue, and that a burning one: the Southern States were all slave-holding, and while there were slaves in the Northern States also they were in relatively small numbers, and emancipation was already in course of execution or of preparation. In the South the slave population was very large: over 30 per cent. in Maryland, 40 per cent. in Virginia, 60 per cent. in South Carolina. The slaves had no civil rights whatever: they were mere chattels, bought and sold like cattle. In the North they were not numerous because the conditions of labour were totally different and the feeling against slavery in itself was daily growing stronger.

On the question of representation in the House of Representatives, the Southern States agreed that it should be on the basis of population, but insisted that their slaves should be reckoned in the count. The North very properly objected that as slaves could not and did not have the vote, they ought not to count. Again another question was involved: that of direct taxation. Were the slaves to be reckoned for that purpose, as would all the white people? The South

opposed that ; it wanted to use the numbers of its slaves for representation but not for taxation, that is, it wanted to benefit unduly by them.

Then a third difficulty cropped up, and in the solving of it a way was found to satisfy both parties partially.

Alexander Hamilton, the great financier who was to restore the destroyed credit of the United States, proposed to pay not only all the debts Congress had incurred towards foreign States, such as France and Holland, but also to have the United States assume the debts incurred by the several States in carrying on the War of Independence. This proposal, founded on justice and foresight, commended itself to the Northern States, on which the burden bore heaviest, since it would enable them to recover financial stability. The South opposed the proposal vigorously, determined that it would not share in any expenses incurred by the North. Repudiation was commended as an easy way out of the trouble.

Bargaining went on, as is explained in another chapter, and finally enough Southern votes were secured to pass the Assumption Bill, while the North consented to a compromise on the disputed questions of representation and direct taxation. A " federal ratio " of population was established by taking the whole number of free persons, including those bound to serve for a term of years, and, excluding Indians not taxed, three-

fifths of all other persons, that is, of slaves.

This of course gave the Southern slave-holders an immense increase of political power and likewise fostered slavery, with evil results that were soon to manifest themselves. For while, even in the South, a sentiment adverse to slavery had already begun to manifest itself—Washington and Jefferson were both opposed to it, and the latter had included in his draft of the Declaration of Independence a clause against the slave trade—certain economic changes had taken place which made, or seemed to make, slavery apparently more profitable.

England had already declared against slavery and the slave trade, and Jefferson and those who thought with him desired to prohibit it in America also, but to this the South would not listen for a moment. The most that could be secured was a clause that the slave trade might be prohibited after 1808 and that in the meantime a tax of ten dollars a head (£2) should be levied on each slave imported into the country. The tax, in fact, was never levied.

These three compromises disposed of the most troublesome objections, and the Constitution, as framed by the Convention, was reported. It was to be submitted to the States for ratification, the people electing delegates to conventions called for this purpose.

It is to be remembered that the Federal con-



vention had wholly disregarded its original instructions, and in this matter of ratification it utterly set at naught the provisions of the Articles under which Congress existed. Under these Articles no amendment could have effect unless all the States voted in favour of it ; now the Convention proposed that as soon as nine States had ratified the Constitution it should go into effect. That might well involve leaving from one to four States out of the Union ; none the less the proposal was accepted, and in the end every State came into line, though Washington was inaugurated First President of the United States before all the States had signified their approval of the instrument itself.

The very process of ratification brought up once more the ever-recurring doctrine of State sovereignty, through the use of the words, with which opens the preamble, " We, the People of the United States." Simple enough, apparently, and nowadays admitting of but one interpretation, but at that time capable of two constructions : the first, that the State Conventions were simply the readiest means of ascertaining the will of the people of the United States as a whole ; the other, pregnant with the States' Rights doctrine, that the people of each State, themselves sovereign, ratified the Constitution. If the latter were the correct view the existence of the Union might be ended by a single State holding a convention

and repealing its ratification. And this is what was attempted to be done later.

Both the legislatures and the conventions objected to certain provisions, and they proposed changes in these. Congress wisely adopted the more important and more reasonable of these recommendations, and as soon as ratification had been completed and the government established, they were submitted in the form of amendments, and thus the first ten—there are now eighteen—were added at once. The small number added since that day is a proof of the insuperable difficulty of carrying any amendment to the Constitution, unless it so thoroughly commends itself to a majority of the people in two-thirds of the States that its passage is assured. Between 1804 and 1865 not a single amendment was carried, although up to the present more than one thousand seven hundred have been proposed.

The Constitution, then, consists of the original articles and the amendments added later. It established a separation of powers: legislative, executive, judicial. The legislative power resides in the Congress, which is composed of the Senate and the House of Representatives. The Acts of Congress are the supreme law of the land, but no *ex post facto* laws may be passed by it. Any powers not specifically delegated to Congress by the Constitution, nor prohibited by it to the States, are reserved to the States respectively

or to the people. The constitutionality of laws passed by Congress, if called in question, is settled without appeal, by the Supreme Court of the United States.

The members of the Senate represent the States severally, each State, regardless of its size or population, having two Senators. These were elected by the legislatures, now directly by the people, for a term of six years, one-third of the number retiring each year. The representatives are elected directly by the people, and serve for two years.

The executive is vested in the President, who possesses the power of veto over bills passed by Congress, but if a two-thirds majority in both Houses passes the bill again, it becomes law. The President may also allow a bill to become law by not signifying his assent to it or not vetoing it within a period of ten days. He nominates the heads of the great departments of State, but they must be confirmed by the Senate, as also must nominations of ambassadors, judges and other United States officials. The heads of the departments of the State act as the President's advisers, if he chooses to consult them, but he is in no way bound to do this or to take their advice if he does call upon them for it. He is elected indirectly by the people, the voting taking place in November every four years. His term of office is four years, but he may be re-

elected for a second term. Washington set the tradition of refusal of a third term, which has ever since been adhered to, although there is nothing in the Constitution prohibiting it.

The judicial power is vested in the Supreme Court and in the inferior Circuit and District Courts. The Supreme Court is rightly named, for as all questions of the constitutionality of any law must be referred to it, its judgment, which is without appeal, is the interpretation of the Constitution itself. And as it exists by virtue of the Constitution and cannot be abolished by an Act of Congress, it is in the highest degree independent. Its interpretation of the Constitution has been on the broadest lines, and it has developed the doctrine of "implied powers" to an extent assuredly undreamt of by the framers of the document itself. The result has been, in the course of years, a very considerable, enlarging and strengthening of the powers of the Federal government.

The Fourth Article provides, among other matters, that "the citizens of each State shall be entitled to all privileges and immunities of citizens in the several States." This was directly intended to create the sense of nationhood and to counter the still strong tendency to particularism.

The Sixth Article prohibits the application of any religious test as a qualification to any office or public trust under the United States. No doubt



the framers of this safeguard had in mind that religious toleration had been allowed in colonial days mainly because "distance" prevented persecution. The Article was further strengthened by the First Amendment, which specifically separates Church and State, conserves freedom of speech and of the press, and the right of the people peacefully to assemble and to petition for the redress of grievances.

The wording of the last paragraph of Section 8 of Article I, which defines the powers of Congress, is important: it gives Congress power to "make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by the Constitution in the Government of the United States, or in any department or officer thereof."

This is the clause from which has sprung the doctrine of implied powers, and round this doctrine, the interpretation of the clause, men disputed from the very outset of the establishment of the government. Reference has been made to the fact that the different political parties did not scruple to change their attitude on the question of the supremacy of the individual States, on the one hand, and of the United States, on the other. In 1798-1799 the Republicans, ancestors of the present Democratic party, stood out, as the Democrats have generally done, for States' rights in the question of the Alien and

Sedition Acts, and in 1814 the Federalists, occupying the position later taken by the present Republican party, declared for States' rights because dissatisfied with the legislation influenced in Congress by the South. In 1832 the South Carolinians, led by John C. Calhoun, actually exercised the right they claimed and passed an ordinance nullifying the Act of Congress setting up a protective tariff, while in 1861 the seceding States justified their action on precisely the same ground of supreme sovereignty of the several States.

On the other hand, the majority defended the centralizing view. Hamilton was thoroughly consistent: he was a firm believer in the necessity for a strong central government, and he succeeded, in 1791, in passing measures such as the Excise Bill and the National Bank Act which were directly framed to give greater power to the government. Jefferson himself, the creator and leader of the Republican-Democratic party, the staunch upholder of the doctrine of "compact," acted on the doctrine of implied powers in his purchase of the Louisiana territory and again in his Embargo policy of 1807-1808. So did Chief Justice Marshall in his many decisions on constitutional points, which so largely aided to strengthen the central authority, Webster in his famous debate with Haynes, and Lincoln at the time of the Civil War.

It was not without much difficulty that the Constitution was ratified. In New York Hamilton had a bitter fight with Clinton and his disciplined majority, but he eventually carried the day. In Virginia, Patrick Henry was obstinately, nay, furiously opposed to it, nor was it till June 21, 1788, that at last the ninth State needed, New Hampshire it was, signified its adhesion. A tremendous propaganda was carried on by both sides, and at least it may be said that the education of the people in the all-important question at issue was thorough. The opponents were best represented by Richard Henry Lee, who published his views in his *Letters of a Federalist Farmer*, painting in vivid colours the imminent danger to the hard-won liberty, both of the States and of the individual citizens, which lurked in the creation of a central power. But the greatest work was that of Alexander Hamilton, with the partial co-operation of John Jay and James Madison. *The Federalist*, a series of letters admirably written, and interesting and informing to this day, far surpassed aught the foes of the Constitution could produce.

## XIII

### POLITICAL PARTIES

ALMOST at once, after independence, political parties began to form, and naturally on the lines of particularism and federalism. Jefferson forged rapidly to the front as the leader of the Democrats. Although a man of aristocratic birth, wealthy, a slave-holder, he speedily became the most prominent among the particularists as he had already become as an advocate of the emancipation of the slaves. The shrewdest political leader of his time, he gained a popularity so great and enduring that even to-day the true Democrat is proud of belonging to the party he founded. He was essentially a believer in men ; he represents what is still a fundamental belief in America : that it is the man himself who counts, and that neither family nor wealth is in itself a title to consideration—albeit they do command it to a certain extent.

The first President was, inevitably, George Washington. No man stood as high as he in the confidence of his fellow-countrymen, and while



he had opponents whose bitterness stooped to unworthy attacks upon him, not one of the candidates they might have set up would have had a chance against him. The real difficulty lay in Washington's own dislike to accept the heavy responsibility involved. He saw with clear vision that the American people was yet far from constituting a nation in the full sense of the word ; that between setting up a government on paper and making it work in daily practice the difference was great. He recognized the obstacles in his path, he foresaw the hostility he must evoke, but he yielded at last to the earnest entreaties of Hamilton and others, and on April 30, 1789, he took the oath of office in New York.

The contests in Congress at once assumed a violent character. The principal cause was the financial measures proposed by Alexander Hamilton, first Secretary of the Treasury, upon whom devolved the ungrateful task of restoring the credit of the country. Nowadays the appalling expenditure caused by the World War has dulled the minds of men : hundreds and thousands of millions of pounds are called for and somehow obtained. But in 1789 the fact that the new United States owed \$43,000,000 to its own citizens and \$11,000,000 to people abroad—a sum equivalent to £10,800,000—was staggering, and there were those who hesitated not to recommend, nay, to urge, repudiation as the speediest, and certainly

the easiest, means of ridding the country of that load of debt.

Hamilton proposed to pay the debts in full, which was the right and honest course. He also proposed that the United States should assume and pay the debts incurred by the several States in the course of the war, but on this point he was virulently opposed and his proposal defeated by the Southern representatives, to whom the prospect of taxation by the central government was as a red rag to a bull.

Once more the difficulty was obviated by compromise. The question of the site of the new national capital created rivalry between Virginia and Pennsylvania more particularly. The capital must be within fairly easy reach—in those days of poor communications—of the various parts of the Union, and for this reason the Northern States put forward no claim to have it within their borders. Philadelphia had been the seat of Congress; there the Declaration of Independence had been signed. But riotous Pennsylvania soldiers, clamouring for their belated pay, had caused Congress to remove itself to Princeton, in New Jersey, where accommodation was so scanty that a further move was made to New York. Then the objection was at once raised that New York was most inconvenient for the Southern delegates, land travelling being both difficult and dangerous. Therefore Pennsylvania claimed that

the Government should return to Philadelphia—and stay there—while Virginia and Maryland demanded that Georgetown or some other site on the Potomac river should be chosen.

Now the Pennsylvanians had sided with the Virginians and other Southern representatives in voting against Hamilton's Bill to assume the separate debts of the States, and the Northerners, who were much interested in the measure and angry at its defeat, were resolute to punish Pennsylvania by preventing its capital being chosen as the nation capital. So they proposed Baltimore, which brought the Marylanders to their side. Jefferson took a hand in the business and negotiated with Hamilton, the result being that the Assumption Bill was passed after all and the Potomac decided on as the river upon whose banks the new capital should be built.

The United States was now about to find itself involved in complications of a dangerous nature through events occurring in Europe. The treaty of 1778 with France, by which the revolted colonies had secured the assistance of that country in their conflict with Great Britain, bound the Americans to make common cause with France if war should break out with England. The French Revolution of 1789 at once involved the United States, and a large portion of the population became enthusiastic on behalf of the Revolution and the Rights of Man, Jefferson, in particular,

excusing the awful Red Terror on the ground that the deaths of some hundreds of thousands of men and women were of slight importance in comparison with the triumph of individual rights. Genet, the French Republican agent or ambassador, actually made use of the United States to fit out expeditions and privateers against British ships and possessions, but his nefarious activities were stayed by the wisdom of Washington and Hamilton.

On February 1, 1793, matters reached a crisis, France declaring war against Great Britain. Under the treaty of 1778 each contracting party was bound to guarantee the safety and permanence of the territorial possessions of the other in America. Washington and Hamilton were averse from entanglement in the war, and even Jefferson's admiration for the Red Republicans did not blind him to the danger of interference. Therefore, on April 22 of that year, Washington issued a proclamation of neutrality, one of the most important State papers in the history of America, for it declared the line along which the foreign policy of the country was henceforth to be directed. The President remained to the end of his days a firm believer in the righteousness of the course he then laid down for his country—abstention from interference in European affairs—and in the memorable Farewell Address issued by him on September 17, 1796, six months before his



final retirement from office, he repeated his belief, in words which sank deep into the minds of successive generations of his fellow-citizens, and which constitute what is known as the Washington Precept.

The Americans were literally between two fires. On the one hand, the French seized and condemned neutral vessels bound to British ports; on the other, acting on a rule adopted by the European governments, which forbade a neutral carrying on in time of war a trade prohibited in time of peace—known as the Rule of War of 1756—the British did the same as the year drew to an end. Already the British West Indies trade was closed to American shipping, so that the position in United States commercial circles became critical. In addition another cause of exasperation arose out of the practice of impressment.

The conditions of life on board the ships of the Royal Navy in those days were terribly bad, and discipline was maintained by methods which were absolutely barbarous. Consequently desertions were frequent, and men joined American vessels on board which they were at least better paid and fed. Many became naturalized, or claimed to have become so, but the British Government steadfastly refused to recognize naturalization, insisting that no British subject could renounce his allegiance. In pursuance of

this view, commanders of British men-of-war stopped American ships on the high seas and took out of them any men whom they deemed, rightly or wrongly, to be British subjects, and compelled them to serve in the King's Navy.

Washington had it in his power at that moment to precipitate war with Great Britain, against whom feeling in the United States ran very high. He preferred to make a further effort to settle differences amicably, and sent Chief Justice John Jay to London to negotiate a new treaty. Jay succeeded and drew on himself the concentrated fury of his fellow-countrymen, the treaty being confirmed by the Senate only after much wrangling and with the excision of a clause prohibiting the export of certain articles from America. Nor were the really critical issues disposed of by this document, for the British government refused to give way on the questions of impressment and of neutral trade, which were the crucial ones, but at least the treaty postponed war with Great Britain for some sixteen years.

In the following year another treaty was negotiated with Spain, then in possession of the Floridas, ceded to her by Great Britain. The difficulty in this case was the right to the free navigation of the Mississippi to its mouth and of transfer of cargo on Spanish soil. Matters were smoothed over for the time, but trouble was certain to recur on these points.

It was far more difficult to come to terms with France, which was exasperated at the conclusion of the Jay treaty, and the young Republic of the West found itself involved in serious quarrels with its recent helper and ally. At this time Washington, who had so long and so faithfully served his country, was nearing the close of his second term as President and declined absolutely to allow himself to be re-elected a third time. The choice of his successor brought about the first of those Presidential campaigns which are so marked and characteristic a feature of American political life.

The two leaders of the two great parties, Federalists and Republicans—the latter known as Democrats—were Hamilton and Jefferson. The latter was at once chosen as the candidate of his party, but Hamilton was not popular with his own followers, and John Adams, of Massachusetts, was accordingly selected by the Federalists. The election was very close, Adams winning by a majority of three votes only, and Jefferson, who came next, being elected Vice-President.

Scarcely was Adams inaugurated when relations with France assumed a serious character. James Monroe, whom Washington had sent to Paris as Minister of the United States, had proved his incapacity to deal with the situation created by the signing of the Jay treaty, and had been replaced by Charles C. Pinckney, of South

Carolina. The French government refused to receive him. This was offensive, but Adams, who was earnest in his wish to avoid entangling his country in war, made a fine effort to restore friendly intercourse. He sent a commission, composed of Elbridge Gerry, of Massachusetts, John Marshall, of Virginia, and Pinckney, to treat, if possible, with the Directory, that being the government then in power in France.

The commission reached Paris in October, 1797, and was met with a most extraordinary demand that they should apologize for certain statements in Adams' inaugural address, pay £10,000 apiece to each of the five Directors, and buy from France a loan extorted from Holland and of the value of £200,000. Very properly refusing this insulting request, the commissioners were ordered to leave France. The publication of the papers in America roused the people to stern anger: "Millions for defence, not a cent for tribute," was the cry; an army was raised, Washington put in command, and a Navy department created.

At the same time two very important Acts were pushed through Congress by the Federalists: the one, the Alien Act, raising the time of residence for naturalization from five to fourteen years, the other, the Sedition Act, punishing severely all attempts against the United States, whether by writing or speech. The latter provision was at once construed to have a local purpose—the



crippling of the Republican Press, generally controlled and edited by foreigners, and consequently it roused the anger and opposition of the party.

The shrewd Jefferson was quick to see the party advantages to be derived from this action on the part of the Federalists, and he inspired the passing of protests against the Sedition Act in the legislative assemblies of the individual States. Two of these protests were the most noticeable : the Kentucky and the Virginia Resolutions of 1798 and 1799 respectively. These set forth the already well-known doctrine of "compact" or States' rights, declaring that "the several States composing the United States of America are not united on the principle of unlimited submission to their general government; but that by compact under the style and title of a constitution . . ." and so on: the familiar restatement of the right of an individual State to nullify the action of the Federal government and to secede if it chose to do so.

That all-important affirmation was drawn up by Jefferson himself in the following words:—  
"The several States who formed that instrument" (the Constitution) "being sovereign and independent, have the unquestionable right to judge of the infraction" (of that instrument); "and that a nullification, by these sovereignties, of all unauthorized acts done under colour of that instrument, is the rightful remedy."

These individual States, then, were manifesting as much and as bitter and violent enmity to the work of their own hands, to the government they had themselves framed and set up, as to the laws passed by the British Parliament in the period after 1760. Impatient of central control, lacking the sense of real nationality and mutual responsibility, they were endangering that very Union which they had acclaimed with triple salvoes of guns on March 4, 1789. Fortunately for the future of the country the various legislatures to which these Resolutions were sent treated them, the Northern with outspoken condemnation, the Southern with indifference.

The Acts that had called forth these strange expressions on the part of Kentucky and Virginia, were due to the belief that war with France was imminent and to the desire of the Federalists to injure their political opponents. The resolute attitude of the young United States, however, and the fact that the government of France had just undergone yet another transformation—Napoleon being now First Consul and actually master of the destinies of the country—led to a change in the attitude of the French. It was indirectly intimated to Adams that an envoy would be welcomed, and a commission was accordingly sent, well received and enabled shortly to conclude a treaty by which that of 1788, with its burdensome and perilous provisions, was abandoned,

the United States consenting to forgo its claim to monetary compensation for damages done by the French.

That year, 1800, was a Presidential year, and the conclusion of the treaty with France might have been expected to make secure the re-election of Adams, but his party had become unpopular, Hamilton opposed him, the Republicans under Jefferson were thoroughly organized and enthusiastic, with the result that Jefferson was elected.

The contest was notable for two things—the intense bitterness of the political fight and the manifest defect in the mode of election of the President. The electors, by Article II of the Constitution, wrote down two names on their ballots, the candidate having the largest number and a majority of the votes of the electors, being declared President, the one next to him Vice-President. In cases of a tie a vote was taken, each State having one vote. In this election Jefferson and Aaron Burr, an early representative of the “boss” in American politics, who controlled the New York vote, each received an equal number of votes, and the House had to decide. It chose Jefferson, fortunately, for Burr was a disreputable politician, best remembered now as having killed Hamilton in a duel.

The victors in the strife proposed an amendment—the Twelfth—by which provision was made against the recurrence of a tie for the Presi-

dency. Henceforth the electors were to vote for the President and for the Vice-President separately.

With the entrance of Jefferson into the White House began the rule of the Republican-Democrats. Grave events were soon to occur: the sudden and amazing expansion of the United States territory and a new war with Great Britain.



## XIV

### LOUISIANA: WAR OF 1812

WHEN, in 1681, Robert Cavelier de la Salle voyaged down the Mississippi to its mouth in the Gulf of Mexico, he took possession of the whole country he had to traverse, practically of the vast Mississippi basin, in the name of King Louis XIV of France, and bestowed upon the new territory with which he enriched the French Crown the name of Louisiana. It then comprised all the land west of the Alleghanies and as far as the Spanish possessions, extending from the Pacific coast to a very indeterminate boundary on the east.

By the conquest of Canada a large portion of this first Louisiana—the present State bearing that name is but a tiny fraction of the original—that which lay between the Great Lakes to the eastern bank of the Mississippi and the northern boundary of Florida, passed into British possession. After the Revolution all this was transferred to the new Republic, doubling its extent. Previous to 1783 the area of the Thirteen Colonies was,

roughly, 392,300 square miles ; the new territory added 432,525 square miles, a total of 824,825 square miles.

Into the new territory settlers had already entered, and it was in the endeavour to expel the French from the valley of the Ohio that Braddock suffered his disastrous defeat on the banks of the Monongahela. Once the French were definitely excluded by the treaty of 1763, after the fall of Quebec and Montreal, settlement increased rapidly, the beauty and fertility of the land attracting immigrants in great numbers.

The remainder of Louisiana, beyond the Mississippi, with an area of nearly 1,000,000 square miles, had been ceded to Spain by France in 1763. Spain, by its possession of New Orleans, controlled the navigation of the Great River. The settlers in the lands ceded by Great Britain could get their produce to the sea only down the river, but were shut off by the Spaniards, who, besides, ignored the southern boundary and occupied land not theirs. In 1795, however, Spain, having her hands full in Europe, gave way to the American reclamations on every point and consented that New Orleans should be a port of deposit for American traders who were thus enabled to tranship their produce to seagoing vessels.

At this time the United States were involved in difficulties with France, now no longer friendly.

Counting on this, and secure of French support, Spain postponed carrying out the provisions of the treaty till 1799. Talleyrand, in France, became angered, for he had hoped that the difficulties would wholly prevent the execution of the treaty and thus hinder the development of the American state, which he feared. Further, France, not unnaturally, felt a wish to re-establish the great colonial empire she had lost. Talleyrand sought to recover Florida and Louisiana, but it was not till October, 1801, when Napoleon had made himself master of the destinies of France, that this was accomplished. A secret treaty, signed at San Ildefonso, in Spain, retroceded the country to France.

The Spanish governor of New Orleans now forbade the Americans the privileges they had enjoyed under the treaty of 1795, and aroused by his act a strong warlike sentiment in the United States. Jefferson, although personally very friendly to the French, took alarm and declared that the French power in Louisiana was a menace which would, and must, compel "the marriage of the Americans with the British Fleet and nation."

Robert Livingston was then American minister at Paris, and James Monroe was sent by Jefferson to assist him in negotiating the purchase of West Florida and New Orleans, by which means the control of the navigation of the Mississippi would

pass into the hands of the United States. By this time, January, 1803, war between Great Britain and France was on the point of breaking out again. The peace of Amiens had been signed between them in March of the previous year, but it was felt on both sides to be but a temporary truce, the tremendous military successes of Napoleon and his evident determination to make himself supreme in the world and not in his own country only, constituting an insuperable obstacle to a durable settlement. He was now Consul for life, and in May, 1804, he would be proclaimed Emperor.

Under the circumstances it was not Napoleon's policy to embroil himself with a country that, however young and unprepared for war, could be of much assistance to England. Rather did he seek to win it over to his side. Accordingly when the American commissioners stated the purpose of their mission, Talleyrand, acting under the orders of his master, amazed them by offering to sell the whole of Louisiana, as ceded to France by Spain, for fifteen million dollars (three millions sterling), of which three and three-quarter millions were to be devoted to the payment, by Jefferson's administration, of the American claims against France.

The commissioners had no powers to treat on such terms, but wisely enough they perceived the advantage to their country and deliberately



risked disapproval at home. The treaty of sale was signed in May, 1803, and ratified by the Senate in the following October, on the strong recommendation of the President.

This was eating his own words, for there was nothing in the Constitution that could justify such a purchase, involving as it did the creation ere long of new States. He and his party, trained and led by him, had for years insisted that the Constitution should be strictly and narrowly interpreted, and that any attempt to construe it liberally must be met by nullification at the hands of the several States. Fortunately Jefferson, on this occasion, fought down his scruples; he acknowledged that the nation had not authorized the purchase, but the evident advantage to the country of possessing this new and vast territory swept away every trace of opposition.

So far the first important question was settled, the constitutionality of the action was granted, and the Mississippi was now wholly American. But immediately two other questions arose, each bristling with difficulties: the first was as to the boundaries of Louisiana itself, the second as to the effect of the acquisition upon the development of the country at large. Under the first came contention with regard to West Florida, which Spain insisted remained Spanish territory the American government wanted West Florida but it did not care about Texas, beyond the

Mississippi. Finally in 1810 Madison, then President, seized part of the territory and took the rest a couple of years later. The second question was pregnant with the slavery issue, already dangerous and troublesome. The population was largely French, numbering some twenty thousand whites and about thirty thousand slaves. In other words, the institution of slavery was much strengthened by the Louisiana purchase.

On the whole the benefits outweighed the disadvantages. The increase of territory, albeit a part lay in the arid or semi-arid belt, was not only enormous, but an immense proportion of it was extremely rich, and the area of the Republic was more than doubled. Eventually no fewer than thirteen new States were formed out of it. This fact alone has since been held to justify the transaction, which undoubtedly stimulated the ambition of the American people to extend their rule over the whole of the northern continent.

The settlement of the Louisiana difficulty was advantageous, but it did not remove all the dangers that then threatened the young Republic. The war in Europe was dragging the country within its net, and that maugre the determination of the Americans to avoid being drawn into the conflict. Napoleon knew well that his most dangerous and most formidable adversary was England. He could and did smash one empire,

one kingdom after the other, but in her sea-girt isle England was unassailable. The command of the seas was hers ; it was in her power to close the French ports by the terrible pressure of a blockade. She did so, and the neutrals suffered. It is true that in Europe Napoleon suffered no neutrals to exist. It was therefore America which bore the brunt of the harm.

During the earlier period of the war the United States had benefited to no inconsiderable extent by the provisions of Jay's treaty with Great Britain, its ships carrying on a most profitable trade with the Spanish and French West Indies. But that did not last. The irritation of British merchants as seeing so much trade pass into other hands, the needs of the Navy, and the effect of the Navigation Acts, chief weapons of the mercantile system, brought about complications which eventuated in a second war with Great Britain.

The mercantile system was not, of course, confined to Great Britain : it was general, and based on the existence of national colonies. But with the recognition of the independence of the United States there entered into the comity of nations a country without colonies, and this difference was not seen, for a considerable time, to involve important consequences.

The second Pitt, like his father favourable to America, sought, with true statesmanlike percep-

tion, to bring about an accord. He introduced a Bill which, had it passed—and remained in force—would have inaugurated an era of harmony. He proposed to restore to the Americans the freedom of the West Indian trade and to allow their ships admission to British ports provided three-fourths of the vessel's crew was American. All that his successors in office would grant was trade between America and the West Indies, but in British vessels only.

That the British were within their rights in so acting American historians to-day readily admit, only pointing out that while the course pursued did not inflict a wrong it caused an injury. This, however, was not likely to cause sorrow to the merchants in England, who held that the growth in American tonnage justified all protective measures against it, besides thereby helping the general policy of strengthening the Royal Navy. The British government likewise perceived that if in any war in which their country was engaged America should remain neutral, the vessels of the United States would carry enemy produce to Europe and claim for it the protection of their flag, a contention which, if admitted, would mean a very real help to the enemies of England.

The outbreak of the French Revolution, and the rapid changes which ensued, played a very important part in the relations of the two countries. In America the Revolution had been



hailed with delight : a new republic, imitating their own, had come into being, and when it declared war against Great Britain in February, 1793, popular feeling manifested itself in exuberant rejoicings.

But the results had not been foreseen : the British Navy immediately began to prey on American shipping engaged in the French West India trade, many vessels being seized and sent in for condemnation. It is true that the cargoes were paid for and the freights discharged, but the owners lost the enormous profits they would have made had they succeeded in landing their goods in France.

In November of that year a further application of the mercantile system rendered the situation worse : neutrals being forbidden to go to or sail from any French colony, under the Rule of 1756, established by the British Admiralty Courts during the Seven Years' War (1756-1763), but not accepted as a rule of international law by the Americans. It was, in substance, that a trade which a nation closed to foreigners in time of peace could not, in time of war, be allowed to them, if neutrals, as that would inure to the convenience and advantage of the enemy. "As a war measure," says Admiral Mahan, "it tends to support the financial and naval strength of the nation employing it ; and therefore, to an opponent whose naval power is capable of des-

troying that element of strength, the stepping in of a neutral to cover it is clearly an injury. The neutral so doing commits an unfriendly act, partial between the two combatants ; because it aids the one in a proceeding, the origin and object of which are purely belligerent."

What, in this particular case, made the application of the rule faulty was that America had no colonies and the French had permitted the trade in time of peace. It is true that the Order was revoked, but the principle of the Rule remained, while its application was limited to vessels trading directly from the West Indies to Europe, and even Jay's treaty, in 1794, did not involve the surrender of the principle by the British.

In truth the kernel of the difficulty lay in the simple fact that the free trade with the West Indies was of the utmost importance to the United States, whose nearness to the coveted centres enabled it to carry on this commerce easily and profitably, while, on the other hand, the carrying of goods of hostile origin to hostile or neutral countries very seriously affected British tonnage besides drawing British seamen into American vessels. In addition American ingenuity had found a way of complying with the form while violating the principle and spirit of the British regulations concerning direct trade. American vessels were permitted to

bring to their own country products from the French and Spanish colonies on the understanding that these paid the American duties and were consumed in America. The ships were accordingly brought to American ports, the cargoes landed, repairs made, the cargoes reloaded, the duties refunded and the ships sailed for a hostile port.

The matter was brought to a head by the seizure and condemnation of one of these vessels in 1805, when the leading Admiralty judge, Sir William Scott, decided that the voyage was in reality a direct voyage and therefore in contravention of the Rule. The Americans contended that the drawback was a municipal question, not an international one, and that the effect of the Admiralty decision was to degrade an independent country to the status of a colony whose trade was regulated by the British government. The decision provoked such a storm of protest in America that Congress passed, in April, 1806, a Non-intercourse Act which was to come into force in the following November.

By this time Napoleon had got practically the whole of continental Europe under his sway, and Great Britain was faced with the most serious conflict with the despot. It was imperative that she should use every means in her power to resist and overcome the French Emperor, or liberty would disappear. She struck hard, and the

strokes fell heavily upon American commerce and navigation, for America was now the only neutral of consequence. The Orders in Council of the British government and the Decrees of Napoleon were the upper and nether millstones between which the Americans were ground, and their exasperation at the losses they sustained and at the affronts to their national honour prevented their recognizing the fact that Great Britain was fighting desperately for the maintenance of freedom, and that their own principles should lead them to espouse her cause rather than that of Imperial France.

In May, 1806, England declared a blockade of the whole European coast from the Elbe to Brest, and neutral vessels were forbidden to enter a port unless carrying goods from Great Britain or their own country. Any other goods, necessarily, under the conditions of the time, from French possessions or countries under French rule, were contraband of war.

Thus began that promulgation of Orders in Council and Decrees the effect of which was to ruin the American carrying trade. To the declaration of blockade Napoleon replied by the Berlin Decree of November 21, 1806, establishing a blockade of the whole of Great Britain. In the following January a new Order in Council forbade neutrals to trade between any two ports in the possession of France or her allies. As



this did not fully carry out the intended purpose, it was followed in November by still another Order declaring every port from which British ships were excluded closed to neutrals, unless these first called at a British port in Great Britain, Gibraltar, or Malta, paid certain dues and obtained a licence to trade. Napoleon countered with the Decree of Milan of December, ordering the confiscation of every ship that allowed itself to be searched by the British.

Navigation and trade were thus rendered practically impossible to the Americans, and the natural course for them would have been to mobilize their fleet and to maintain their rights as neutrals. But the fleet was almost nonexistent, and Jefferson himself entertained the strongest objections to the employment of force, besides favouring the French in preference to the English. He therefore adopted a middle course, which proved as unsatisfactory as such courses not infrequently are. He requested Congress to pass a Non-intercourse Act and to recall the Embargo Act, which was both unpopular and useless. Under the new Act Americans were forbidden to trade with either Great Britain or France or any of their colonies.

Just then Jefferson's second term in the Presidency came to an end, and he was succeeded by James Madison, whose special delight was the discussion of legal points. There occurred a

misunderstanding which aggravated an already thorny position. Erskine, the British representative, announced that his government was ready to recall the Orders. So it was, provided—and this reservation was important—the French decrees were recalled simultaneously and officially, of which there was no probability. Madison at once issued a proclamation declaring intercourse with Great Britain resumed, and a huge fleet of more than six hundred ships, crammed with cargo, joyfully set sail. On top of this came a peremptory disavowal of Erskine's action, whereupon non-intercourse was again declared, with no better results than in the first instance.

Congress was now wrought up to fever heat, and in May, 1810, passed an Act known as Macon's Bill No. 2, repealing the Non-intercourse Act and throwing the trade of the world open to American shipping. The Act also provided that if, before March, 1811, either Great Britain or France recalled its Orders or its Decrees, trade with the nation not revoking would cease automatically.

Napoleon was quick to take advantage of the proviso and of Madison's capacity for being easily led astray. In March, 1810, he had added to his previous decrees one from Rambouillet, ordering the seizure of every American ship and cargo, that since May, 1809, had entered a French port or that of a country ruled by France or into

which the French might enter. This decree, however, he kept carefully secret until May, by which time 134 American ships with their cargoes, worth £2,000,000, were in such ports; he caused them to be seized.

On hearing of the Macon Bill he informed the American minister that the Decrees were revoked, thus insuring that the Americans would side with him against England, but true to his system of deceit, he secretly ordered all French Admiralty officials to disregard this declaration and to continue to enforce the Decrees.

Madison, although warned of the trick, refused to believe in it, and gave notice to the British government that unless it revoked its Orders of Council by February, 1811, non-intercourse would be enforced. The British government, well aware that the Decrees still subsisted in full vigour, did not comply and non-intercourse was proclaimed. Madison, of course, should have been aware of the fact that since November 1, 1810, a number of American vessels had been seized by the French and their cargoes confiscated, while sixteen more were sequestered. He stated in his message to Congress that the French Decrees were revoked, which was not the case, while Great Britain obstinately refused to cancel her Orders of Council, at the same time threatening retaliation for the imposition of non-intercourse. Congress hastened to comply with Madi-

son's request, and on June 19, 1812, the President issued his proclamation to the effect that a state of war existed between the United States and Great Britain.

This question of trade was not the only cause of the war that now broke out. The right of search, claimed and exercised by Great Britain, and the right of impressment assumed at this time a prominent place among the grievances alleged by the United States.

Within the three-miles limit of any country possessing a seacoast, the laws of that country apply to vessels and crews of any nationality. Outside that limit, the sea is held to be the common highway of all nations, and a ship sailing on it is considered part of the territory of the country whose flag it flies. Now, the British government claimed the right to stop and search any vessel on the high seas for the purpose of ascertaining whether the crew contained any British subjects. If such were found, it claimed the further right of removing them and compelling them to serve in the Navy, on the ground that British nationality is inalienable, in other words that a British-born subject remained British to the day of his death.

The insistence on this right, distinct from the acknowledged right of a belligerent to stop and search a ship in order to ascertain its character, sprang from the imperious need of men to man the fleets. Great Britain's sea-power was not



only the salvation of the country in the long and tremendous contest with Napoleon, it was the salvation, eventually, of Europe itself. It is not surprising, therefore, that the naval authorities, acting in accordance with the orders of the Cabinet, maintained resolutely the right of search and the right of impressment. For it was incontrovertible that very large numbers of deserters from the Royal Navy found their way into American ships, where also were to be met deserters from the mercantile marine, the national nursery of seamen. The reasons for this regrettable state of things were, in the case of the Navy, the abominable conditions of life in ships of war, in the merchant marine the much higher rate of pay in American employ.

John Masefield, in his *Sea Life in Nelson's Time*, describes the life on board a man-of-war in the days of the Nile, Copenhagen and Trafalgar. "Our naval glory was built up by the blood and agony of thousands of barbarously maltreated men. It cannot be too strongly insisted on that sea-life, in the late eighteenth century, was brutalizing, cruel, and horrible; a kind of life now happily gone for ever; a kind of life which no man to-day would think good enough for a criminal."

The United States felt very strongly that the compulsion on a master to muster his crew at the bidding of a British boarding officer, and the

removal by him of members of the crew on the ground that they were British subjects, constituted a serious attack upon its sovereign rights. And it was so. Over against this, the insistent needs of the Royal Navy led the British authorities to use the overwhelming power of the Navy to enforce the wrong. It should be added that there was some reason for this line of conduct : it was patent, undeniable, that desertion from British ships, naval and merchant, was encouraged in American ports, and that so-called proofs of American nationality were commonly sold to deserters. On both sides there was also exaggeration : the Americans claiming that far larger numbers of men of undoubted American birth were impressed than was really the case ; and the British that the numbers of deserters were enormous. These numbers were unquestionably large, but reform and improvement in the discipline, feeding and payment of the men would have done far more to check desertion than impressment ever did.

The feeling in America was that the war would prove a rapid and triumphant success : Great Britain had her hands very full indeed and would be unable to withstand the magnificent dash of the irritated Americans. Canada, which had not passed into their hands at the time of the Revolution, would now become theirs instantly ; its conquest was looked upon as a certainty.

Jefferson wrote :—" The acquisition of Canada this year, as far as the neighbourhood of Quebec, will be a mere matter of marching." Calhoun, later to become a prominent figure in American politics, said :—" So far from being unprepared, I believe that in four weeks from the time a declaration of war is heard on our frontier, the whole of Upper Canada and a part of Lower Canada will be in our power." And Admiral Mahan, commenting on these and similar expressions, remarks drily : " The United States government was conscious of its great potential superiority over Canada, in men and in available resources. So evident, indeed, was the disparity, that the prevalent feeling was not one of reasonable self-reliance, but of vainglorious self-confidence."

The fortunes of the war proved the truth of this. On land, the attempted conquest of Canada turned out an absolute failure. General Hull crossed the river from Detroit to Sandwich on July 12, 1812, but retired on the approach of General Brock, an able and hard-striking soldier, who compelled the American to surrender with his whole force. Soon after this, Sir Isaac Brock—he was knighted for his victory—won the battle of Queenston Heights, but lost his life. Meanwhile the Indians, under the famous chief Tecumseh, took the American posts farther west. In 1813 Dearborn invaded what is now Ontario, and most unjustifiably and unnecessarily burned

York, now Toronto, an act later cited in justification of the burning of the public buildings at Washington by the British, an equally needless deed. In 1814 the Americans lost the battles of Chippewa and Lundy's Lane, and while the British took Washington, they were repulsed at Baltimore and suffered a severe defeat at New Orleans.

At sea there were several single ship combats in which the Americans clearly were superior. James, the historian of the Royal Navy during that Great War, considers that it was trickery on the part of the Americans to call their frigates by that name, as they were of larger size and heavier armament than similar vessels in our service. But to build larger and more powerful ships than the enemy is perfectly legitimate and, indeed, wise and sensible. The *Constitution*, *President*, *United States*, were unquestionably more than a match for the British frigates they captured, the *Guerrière*, *Macedonian*, *Java*, but besides their heavier armament a cause of their success was the better gunnery of their crews.

None the less these victories had no great effect upon the war: they very properly delighted and encouraged the Americans, but they also led them to believe they were invincible at sea, in spite of the plain fact that their own coasts were strictly blockaded by the British cruisers, a strik-



ing proof that Great Britain had by no means lost her naval superiority. In truth neither side made much out of the conflict. The Americans benefited by a decided increase in the feeling of nationality, which was all to the good, but their trade was destroyed ; eight of their men of war were sunk or captured, and they lost no fewer than 1,400 vessels, a far larger proportion than the British, with their loss of sixteen ships of war and of 1,607 merchant ships. The impressment question was not settled, but eventually died a natural and unregretted death.

Peace was signed at Ghent on December 24, 1814, a date which inaugurates the Hundred Years' Peace, which will be spoken of in a later chapter.

## XV

### THE SLAVERY QUESTION

THE new nation constituted by the Declaration of Independence and recognized by Great Britain as free and sovereign in the treaty of 1783 was dedicated to freedom and self-government. Yet it contained within itself a root of evil that was, ere long, to rend it asunder and threaten to destroy it. That was the institution of slavery.

Before the first outbreak of rebellion in the British North American colonies the principle of slavery had been declared inapplicable in England. There, in 1770, some fifteen thousand negroes were held in bondage, but in 1772 a case was brought before Lord Mansfield, on a writ of *habeas corpus*, which was to settle once for all the legality or illegality of slavery in this country. A negro, James Somerset by name, had come to England from Virginia with his master, had run away, been caught, and shipped on a vessel bound to Jamaica, in which colony he was to be sold.

Lord Mansfield had no sentiment whatever

about the wickedness of slavery in the abstract ; aware that thousands of slaves existed in England he had sought to persuade their owners to obtain the passage of an Act of Parliament legalizing the institution. His concern lay with the interpretation, application and enforcement of law. He could find no law covering the holding of human beings in slavery ; it was therefore the business of the slave-owners to get one passed if they desired not to be interfered with. He did not succeed in impressing this view on those concerned, and when the Somerset case came before him he simply decided it in accordance with Common Law, of which he was a strict upholder. He held that the state of slavery was so odious that nothing but a positive law could support it. There was no such law in existence ; therefore Somerset could not be held as a slave, and he ordered him to be set free. It was this memorable decision that put an end to slavery in England.

It is impossible now to say what would have been the effect of it in the American colonies, as the Revolution broke out almost immediately afterwards, but if the precedents set by the continual annulling of colonial laws on the grounds that they were contrary to the law of England counted for anything, slavery should have disappeared in the colonies as well. On the other hand it is a lamentable fact that the Home authorities

had invariably rejected all appeals from the colonies to put an end to the slave trade and the importation of slaves.

As early as 1632 the delegates of Providence and Warwick, in Rhode Island, had voted that no one should be held in service for more than ten years, at the expiration of which time they should be automatically set free. In 1688 residents of Germantown, in Pennsylvania, presented to the Monthly Meeting of the Society of Friends a protest against slavery, declaring that men should be free in body and soul, and the protest was taken up and repeated in 1693 by Philadelphia. In 1701 a tract, entitled *The Selling of Joseph*, by Samuel Sewall, had a large circulation throughout New England. In 1766 Boston instructed its representatives in the General Court to propose a law forbidding the importation and purchase of slaves, but though the bill was passed in 1774, after a committee of slaves had petitioned for freedom so that they might migrate to Africa, it was vetoed by governor Hutchinson and his action was approved by the Home government. Indeed, in 1775, Lord Dartmouth wrote officially that the colonists could not be allowed "to check or discourage a traffic so beneficial to the nation." These facts are startling to-day, when men have forgotten, if they ever knew, the part played by this country in maintaining, even against the wishes of some of the colonists, an



institution abolished in England itself as "odious."

It was in 1619 that the first negro slaves were introduced into Virginia. They were brought in by a Dutch ship, and the next step was the entrance of England into the slave trade. It should be borne in mind that in the seventeenth century men looked upon the negro as distinctly an inferior type of humanity, if indeed he belonged to humanity at all. He was denied the possession of a soul, and slavery, like other institutions long since consigned to oblivion, was then looked upon quite differently from what it is nowadays—save by Germans.

Thus no one perceived any irony in Hawkins' loading a vessel called *Jesus* with kidnapped negroes whom he proceeded to sell to the Spanish planters in the West Indies. That was in 1652, and twenty years later the eminent philosopher, John Locke, from whose *Essay on Government* the ideas and some of the phrases of the Declaration of Independence were taken, became a shareholder in the Royal African Company, whose main business was slave trading. In 1713 the treaty of Utrecht secured to England the lucrative Assiento contract, which gave her the monopoly of slave importation into Spanish overseas possessions at the rate of not less than 4,800 slaves a year. In 1790 that trade had assumed such proportions that more than 74,000 negroes

were annually exported from Africa, more than half of the whole being carried in British ships.

Nor was it till 1807 that slave trading was prohibited to British subjects, nor till 1833 that emancipation was carried out in the British colonies. And one of the charges in the tremendous indictment of George III which Jefferson drafted and which forms the main part of the Declaration of Independence, was that the King had used his negative—or veto power—continually to prevent the colonies from putting an end to that execrable traffic. The clause, it is true, was struck out by Congress, because the Southern representatives opposed it. In the new Massachusetts Constitution of 1780, however, it was complete :—"All men are born free and equal."

Economic conditions had much to do with the introduction of negro slavery and with its development, even after the Revolution, when it seemed that not in the North but also in the South itself sentiment against it was growing. The raising of tobacco had been and remained to a large extent the principal occupation of Virginian planters, while rice growing was extensively carried on in South Carolina and Georgia. The staple, however, which fastened slavery on the South was cotton. In the North these three products, tobacco, rice and cotton were not grown and could not be ; agriculture was of a wholly

different character and best carried on by white labour. Hence the rapid, and eventually total, disappearance of negro servitude in that part of the country.

In the South it was found that cotton was becoming more and more profitable. Invention in England, where the principal cotton mills of the world were situated, caused a sudden and considerable increase in the demand for the raw material. In the Northern States also cotton mills sprang up and flourished exceedingly. Thus the demand from England and the North led to the planting of yet larger districts with the remunerative cotton plant, and consequently to the increase of the slave trade, New England cheerfully supplying ships and crews to bring negroes from Africa. Slavery, in fact, came to be looked upon as one of the mainsprings of national prosperity, and the South, benefiting most from it, became devoted to it.

The slave population was already very large, and it kept growing steadily. An invention by a Connecticut schoolmaster, Eli Whitney, further strengthened the hold of slavery on the South. The cotton fibre, when picked, is so mixed with seed that it has to be carefully separated from it. The labour involved was long and troublesome. Whitney devised a very simple machine, the cotton gin, by which the fibre and the seed are so rapidly separated that one slave could do in

a day just three hundred times as much as without the gin.

The South was now solid for slavery, which it considered to be the very corner-stone of its prosperity. It exercised an influence in the direction and administration of national affairs out of all proportion to its white population or its wealth, through the compromise allowing three negroes to count as one white for the representation in the House. That influence was steadily exerted to secure the extension of slavery in the new territories that were being acquired by the Union. It was certain that before long the increasing anti-slavery sentiment would come into conflict with the sacrosanct institution.

The first clash came on the question of the North-West Territory, lying between the Ohio, the Great Lakes and the Mississippi. There was room in it for several States, five being eventually founded there. Congress finally decided, after much discussion, that all this territory should be for ever free soil, and passed the famous Ordinance of 1787, already described. Under the provisions of this Ordinance the Ohio became the boundary between the Free and the Slave States.

The Louisiana Purchase, in 1803, which threw open a huge area west of the Mississippi, brought the question of the extension of slavery to the front again. The South was resolute to prevent any further prohibition of the extension of the



institution, so that it might secure additional Slave States in the new lands. On the other hand the North was equally resolved to extend the prohibition. The South won the first contest, and Louisiana, a State with an area of 48,720 square miles, was admitted in 1812 as a Slave State.

The balance of power, so familiar to Europeans as a diplomatic formula, was invoked in the United States also. There it meant, in the South, that there should be at least absolute equality in the number of Free and of Slave States, if the superiority could not be secured for the latter. The purpose was, of course, that the representation in the Senate, which is by States and not on a population basis, should always be equal.

Two States were now applying for admission : Maine, in the North, where no slavery existed, and Missouri, in the new territory, with an area of 69,415 square miles—quite a handsome extent to transform into a slave-holding country. The dispute waxed hot, both sides being obstinate, but it was finally settled by another famous instrument : the Missouri Compromise of 1820. Under this arrangement Missouri was admitted as a Slave State, Maine as a Free State. At the same time the parallel of  $36^{\circ}30'$ , continuing the Mason and Dixon line which formed the southern boundary of Pennsylvania, was adopted as the dividing line between Slave and Free territory

west of [the Mississippi, while slavery was prohibited for ever to the north thereof.

The frequently referred to doctrine of States' rights, resting upon the assumption that the independent sovereignty of the individual States was in no way impaired by the ratification of the Constitution of the United States, was now about to be invoked in support of the maintenance and extension of slavery. The effort was due to an issue apparently unconnected with it. In 1828 Congress passed what is known as the "Tariff of Abominations," a piece of pure political jugglery, not infrequently repeated in later days. It was a high protection measure and therefore violently opposed by the South, which had no manufactures. Whether it really injured that part of the country is by no means clear; what is certain is that it aroused violent anger and that the doctrine of States' rights was virulently invoked against the measure and the Congress which had enacted it. Five of the Southern legislatures formally protested against it. South Carolina adopted the *Exposition and Protest* drawn up by J. C. Calhoun, in December, 1828. In this document the leader of Southern opinion, an extremely able and shrewd politician, set forth uncompromisingly the doctrine of "nullification." He argued that "the existence of the right of judging of their powers, clearly established from the sovereignty of the States, as

clearly implies a veto or control on the action of the central government," and recommended that the State of South Carolina should call a convention to decide in what manner the Tariff Act "ought to be declared null and void within the limits of the State." It is important to notice that secession was not then suggested.

While nothing further was done at the time to vindicate the independent sovereignty of South Carolina, the unrest and disquiet in the South kept growing the more it became evident that the rapid increase of wealth and population in the North must ere long seriously threaten the supremacy of the slave-holding party. The filling up of the territory in the southern parts beyond the Mississippi gave but one more new Slave State, Arkansas, the remainder being set apart as Indian Territory. The extent of land left for the creation of new Free States was therefore vastly larger, and involved the destruction of the balance of power.

About this time there arose in the North a movement which, although reprobated and even violently opposed by many, daily gained greater strength: the Abolitionist or Anti-Slavery movement. It was started in Boston by a man of considerable ability and unflinching tenacity of purpose, Lloyd Garrison, who, in 1831, founded a paper called *The Liberator*, in which he boldly preached the doctrine of freedom for all men.

He also aided largely in establishing the American Anti-Slavery Society in 1833, the year in which emancipation of slaves throughout the British Empire took place.

There had occurred in New England, at the beginning of the nineteenth century, an intellectual movement which first manifested itself in religion under the form of Unitarianism. It was, in effect, a reaction against the grim Calvinistic doctrine of the Puritans. Calvinism taught that human nature was essentially and hopelessly damnable; Unitarianism maintained that it is essentially good, since man was made in the image of God. Unitarianism developed into Transcendentalism, of which the celebrated Emerson was the leader. Individualism was the characteristic trait of this view of man: tradition and the experience of the past were disregarded; in his own soul man found the knowledge he needed to order his life aright. Both Unitarianism and Transcendentalism were made remarkable by the purity of life and the high idealism of their votaries.

To both slavery presented itself as a hideous opposition to the freedom of the soul as of the body. Its influence on the masters was reckoned to be as evil as on the slaves themselves. It was degrading to humanity. Hence either slavery was absolutely wrong in itself or it must be admitted that negroes were not human beings.



This conclusion was inadmissible ; hence, again, it became a duty to remove the sin and stain from the nation.

Not all men in New England shared these views, especially in the large and influential merchant class. To these any attack upon the institution of slavery was an attack on the sacred rights of property, the very foundation of modern civilization. But the root of the matter they did not, or would not, perceive : the impossibility of reconciling slavery as a national institution—even if confined within certain well defined territorial limits—with the principles of human right and freedom enunciated so clearly in the Declaration of Independence. A free democracy and a slave aristocracy could not co-exist side by side. The Union could not serve both Freedom and Slavery. The choice had to be made between the two, and if the choice involved war, war must be faced.

At the time, however, this view was not apprehended. The possibility of a separation of the Free from the Slave States was doubtless in some minds as the easiest solution of a difficulty daily growing greater, but the destruction of the Union, even partially, would be a blow to democracy from which it could scarcely recover. And the Abolitionists had earnestness on their side ; indeed fanaticism would not be too strong an expression. They meant to pursue their aim till

they won the victory : they did not even entertain the thought of possible defeat. And it is that spirit which insures victory.

The Texan question aggravated matters. Texas, a part of the territory of Mexico, asked, in 1833, to be admitted as a State of the Mexican Confederation but was refused. Settlers from the United States kept coming in, and in 1836 Texas declared itself independent. Civil war broke out, with varying fortunes, but in the following year the Republic of Texas was recognized by the United States, Great Britain and France. It then applied for admission into the Union but was refused, fear of embroilment with Mexico being the reason. However, in the Presidential election campaign of 1844 the Democrats declared in favour of the annexation of Texas and elected their candidate, who was thus pledged to bring it about. War with Mexico ensued, with disastrous consequences to that country which, by the treaty of Queretaro in 1848, ceded not only Texas but all the vast region out of which the present States of California, New Mexico, Nevada, Arizona and Utah have been formed, as well as part of Wyoming and Colorado.

All this territory, under Mexican rule, had been free, slavery having been prohibited by Mexico in 1829. The question now arose whether, having become United States property, freedom

should be maintained in it. In 1845 Texas had been admitted as a Slave State, and the South openly manifested the intention to extend its peculiar institution over the new countries.

To defeat this purpose in advance, David Wilmot, a Democratic representative from Pennsylvania, moved in the House a proviso that slavery should be prohibited in any territory acquired from Mexico. The proviso was not actually adopted, but the South felt that it might be so at any time, and the principle on which it was based was assuredly destructive of Southern domination in national affairs. In point of fact it proved to be so, for although never adopted in the form given to it by Wilmot, the principle prevailed and Texas was the last State admitted as a Slave State.

## XVI

### THE CRISIS

THE issue was now clearly defined. The South was resolved to destroy the Union if the Wilmot principle carried ; the North was equally determined to prevent the extension of slavery.

It was on these lines that the Presidential election of 1848 was fought, and various solutions were offered by the five candidates who sought the Presidency. Lewis Cass, a Michigan Democrat, was chosen by his party chiefly because he had won the favour of the South by his doctrine of "squatter sovereignty," which meant that the decision whether any territory should be slave or free rested with the people settling in it and not with Congress. This was, of course, merely a variation of the States' rights idea. A new party, the Free-soilers, also nominated a candidate on the platform—in America "platform" is used as "programme" is in England—of "free soil for a free people." They held that slavery was a State institution, that Congress had no authority to interfere with it in the existing



States, but, likewise, had no power to establish it in new territories. In other words, it was a further compromise that they proposed, not seeing or not wishing to recognize that no compromise on so vital an issue was possible : the United States must be free or slave territory throughout. The Whigs, with more discretion, or rather timidity, than courage, shirked the issue and carefully abstained, from any declaration on the burning question. They put forward General Taylor, who had gained fame by his victories in the Mexican war. Taylor won by a small majority, and to the Southerners he was favourable, being himself a Louisiana planter and a slave owner. His son-in-law was Jefferson Davis, later President of the revolted Southern States.

It did not take long to bring matters to a head. California and New Mexico desired admission to the Union as States. Taylor urged the settlers to frame their own constitutions and then put in their applications. California did so at once as a Free State, while Texas set up a claim to a large part of New Mexico and threatened to take possession by force. The South was up in an instant. If California was admitted as a Free State the balance of power would be disastrously upset and territory considered divinely destined to be Slave lost for ever.

Again compromise played its part. Henry Clay sought to settle all questions of slavery by

confirming the District of Columbia—the part round Washington conceded to the National Government—as slave-holding, with concurrent prohibition of the slave trade, organizing Utah and New Mexico as Territories without prohibition or affirmation of slavery, to be settled by “squatter sovereignty,” the payment of a large indemnity to Texas in return for the abandonment of her claims on New Mexico, a declaration by Congress that it had no power to interfere with interstate slave trade, and the enactment of a stringent fugitive slave law. This was nothing less than a triumph for the slave-owners, and all in favour of the South, yet it failed to satisfy the preposterous claims of that section, led by Calhoun. He insisted that the North must concede to the South equal rights in the new territory, faithfully carry out the fugitive slave law, stop agitating on the Slavery question, and insure to the South for ever influence and power in every respect equal to the North—that is, greater than the North.

The compromise of 1850 finally admitted California as a Free State, prohibited slave trade in the District of Columbia, organized Utah and New Mexico with no restriction as to slavery, and all that Clay had further suggested.

The insistence on the rigid enforcement of the Fugitive Slave Law worked in a way the South had not anticipated. It roused the North by

bringing home the meaning of slavery. The entrance of Southern agents into the Northern States, armed with powers to seize and carry off fugitive slaves, exasperated the people. Personal liberty laws were forthwith passed, every obstacle was placed in the way of the man-hunters, and the famous "Underground Railroad" to Canada organized and put into operation with considerable success.

Then an extraordinary literary production suddenly burst upon the country and produced an altogether amazing effect upon public opinion. In the summer of 1852, a Presidential election year, appeared *Uncle Tom's Cabin*, by Mrs. Harriet Beecher Stowe, who had lived for some years on the border line of the Slave States. The effect of this work, the success of which was absolutely unprecedented in America, was further to intensify the antagonism to slavery, although the Democrats were none the less victorious in the election, winning with their candidate, Franklin Pierce, of New Hampshire, "an affable and prepossessing gentleman whom no one could condemn."

Among the men of mark at this time was Stephen A. Douglas, a senator from Illinois, who now, in January, 1854, brought forward a bill to organize the vast territory north of the Missouri Compromise line and west of the States of Iowa and Missouri. His proposal was that

future States formed out of it should be admitted as Free or Slave, as the people therein might dictate, and this in spite of the fact that the Missouri Compromise had explicitly laid it down that the territory should be for ever free soil. The principle, ingenuously remarked Douglas, was that of "popular sovereignty," a catchword which was certain to flatter the popular mind, and which simply meant the same thing as the "squatter sovereignty" of Lewis Cass. The Act, as finally passed, created two Territories: Kansas—expected to be a Slave, and Nebraska, a Free Territory. It also destroyed the Missouri Compromise and that of 1850.

Immediately the fight began between the South and the North for the possession of Kansas. The South, lying nearer, got in first and held a territorial election in 1855, of the most glaringly fraudulent character. The free settlers, who came mainly from the Northern States, held a convention of their own, drew up a constitution and applied for admission to the Union as a Free State. The House approved, the Senate refused, and civil war raged in "Bleeding Kansas," as it came to be called, John Brown, whose body was not yet "mouldering in the grave," coming to the front as the leader of the Free State men. Finally these won, and in 1861, to the disgust and anger of the South, Kansas was admitted as a Free State.



There next came a decision by the Supreme Court which further envenomed the dissensions. A negro, Dred Scott, had been taken by his master to the free State of Illinois and to other free territory, and on his return to Missouri sued for his liberty on the ground of his residence in the free North and West. The Supreme Court decided he was only a "thing," neither a slave nor the descendant of a slave being capable of enjoying United States citizenship. The Chief Justice, Taney, even went further, declaring that slaves were property, that the Constitution guaranteed protection to property, that Congress might not legislate against it, consequently that the Missouri Compromise was from the first null and void. Taney was, in the opinion of the South, "a Daniel come to judgment."

The decision of the Supreme Court meant that Congress was powerless, and the particular success gained by Abraham Lincoln, in his celebrated campaign in 1858, was precisely that he forced Douglas to defend the doctrine of popular sovereignty and to reaffirm that a territorial legislature could forbid slavery, which meant that it had the power to nullify the Dred Scott decision and, of course, any other decision of the Supreme Court. It made plain how deep all the "doctrines" cut, and how the very existence of the Union was bound up with the question of slavery.

This campaign, one of the outstanding events in the United States history, was the result of Douglas's candidature for re-election to the senatorship, and eventually for nomination as candidate for the Presidency. He was opposed by Abraham Lincoln, who now came on the national scene.

Lincoln, at this time, was forty-nine years of age. Descended from Virginian ancestors, he was born of very poor parents in Kentucky, "in a log cabin on a barren farm in the backwoods . . . about three miles west of Hodgenville, La Rue county." He had little schooling, and only later in life did he succeed in educating himself by sheer, indomitable perseverance. He was in turns a hand on a flat-boat, clerk, storekeeper in a country village, postmaster and surveyor. He read up law, was admitted to the bar and soon made his name. Interested in politics, he was elected a member of the Illinois Legislature, and later of Congress. In the Black Hawk war of 1833—one of the numerous Indian wars—he served as a private and rose to be a captain. He was eminently a representative of the best and sturdiest American manhood on the frontier, joining to his high abilities a sense of humour and a nobility of ideals that impressed all who came into contact with him. Remarkably clear-headed and perspicacious, he was at the same time a dignified man. His English was of the very

best, and his powers of persuasion were extraordinary. Utterly unselfish, devoted to his country and her ideals, few, at this time, understood how noble was his character, how great the soul he bore within him.

In the campaign against Douglas he amazed men by his fearlessness and frankness. He tackled the issue squarely: "Agitation" (against slavery), he said, "has not only not ceased but has constantly augmented. In my opinion it will not cease until a crisis shall have been reached and passed. . . . Either the opponents of slavery will arrest the farther spread of it . . . or its advocates will push it forward, till it shall become alike lawful in all states, old as well as new,—North as well as South."

That was recognizing the utterly irreconcilable character of the two policies, and it was most necessary that this fact should be driven home to the minds of men. Senator Seward dwelt upon it in a speech which had vast influence in the North: the struggle between slavery and freedom, he declared, "is an irrepressible conflict between opposing and enduring forces, and it means that the United States must and will, sooner or later, become either entirely a slaveholding nation or entirely a free-labour nation."

At this moment John Brown carried out his famous raid. He was a Connecticut man who had emigrated to Kansas, and an ardent, fanatical

opponent of slavery. He formed what now seems a wild scheme of freeing the negroes. It began by his seizing, with only twenty followers, the United States' Arsenal at Harper's Ferry. He failed and paid the penalty with his mortal life, but he became the embodiment of the Northern resolve to free the slaves in the South, and in the war *John Brown's body lies mouldering in the grave* sounded throughout the land as the marching song of the Federals.

By 1859 the balance of power was destroyed. The Senate had thirty-six Northerners to thirty Southerners, and the House one hundred and forty-seven of the former to ninety of the latter. In the Presidential campaign of 1860 the Democratic party split into two factions, the one nominating Douglas, who was hopelessly beaten, the other Breckenridge, while the Republicans chose Lincoln and elected him by an overwhelming majority of electoral votes. At the same time it is to be noted that while he had a clear majority of thirty-seven votes over his three opponents, the popular vote he received, 1,886,452, was nearly a million less than the combined popular vote of 2,823,741, for his three rivals.

The South wasted not a moment. The legislature of South Carolina had refrained from adjourning till the result of the election was known, and the moment it became certain that Lincoln was to be the next President, it ordered the State



to be put in a condition of defence and summoned a convention to meet on December 17. The legislature of Georgia met on November 8, and with several other similar bodies also called a convention.

Congress met on December 8, when Buchanan, then President, sent in his last message. In this document he made it plain that he considered slavery in the light of an institution almost divine, while he did not believe secession to be a legal right. On the other hand, he allowed it to be inferred that there existed no constitutional means to restrain any state from leaving the Union, albeit that was the very purpose which the Constitution was to secure.

A tardy and fruitless attempt at conciliation was made by Senator Crittenden, of Kentucky, but it failed, naturally enough. The time for measures of the sort had gone by, and the sword alone could now decide between the two principles in opposition. On the very day that Crittenden was submitting his proposed compromise to the Senate, the South Carolina convention was assembling, and three days later, on December 20, 1861, it adopted unanimously an " ordinance to dissolve the Union between the State of South Carolina and other states united with her under the compact entitled ' The Constitution of the United States of America.' " Within three months Mississippi, Florida, Alabama, Georgia,

Louisiana and Texas had joined her. Virginia, North Carolina, Tennessee and Arkansas soon afterwards cast in their lot with them.

American historians of the present day point out that "no possible immediate danger threatened Southern institutions." The South controlled both the Senate and the House in the new Congress and could easily check any attempt at anti-slavery legislation. It is also held that the mass of Southern voters—who, by the way, were not consulted as to whether they desired their States to secede or not—had no idea of permanent separation, any more than the vast majority of the colonists of pre-revolutionary times had any wish to break away from England.

But the leaders were genuinely alarmed at the rapid and wide spread of abolitionist feeling throughout the country. They were determined to compel the North to accept for ever the institution dear to them; they did not believe the North would fight. And Lincoln's inaugural address was not of a nature to suggest determined attack upon their favourite institution: in it he said he had "no purpose, directly or indirectly, to interfere with slavery in the States where it exists," and he was even willing to accept an amendment to the Constitution that the Federal Government should never interfere with "the domestic institutions of the States."

Nothing would satisfy the South but the

declared supremacy of slavery throughout the country. Alexander H. Stephens, in an address at Savannah, immediately after his election as Vice-President of the Confederacy, told his people that the new government's "foundations are laid, its corner stone rests upon the great truth that the negro is not equal to the white man ; that slavery, subordination to the natural race, is his natural and normal condition. The new government is the first in the history of the world based upon this great physical, philosophical and moral truth."

Lincoln's position was, that, in accordance with his oath of office, he had, to the best of his ability, to preserve, protect and defend the Constitution of the United States. In other words, the Union, threatened and endangered by the secession of the South, had to be maintained. Slavery, and its perpetuation and extension, was the cause of the secession. Its destruction, as the North clearly saw, was an indispensable consequence of the preservation of the Union, but Lincoln wished to keep in the foreground the Union itself. Therefore it was that he expressed himself as he did in his letter to Horace Greeley, editor of the *New York Tribune*, in answer to the challenge that he should make plain his policy. "As to the policy I 'seem to be pursuing,' as you say, I have not meant to leave any one in doubt. I would save

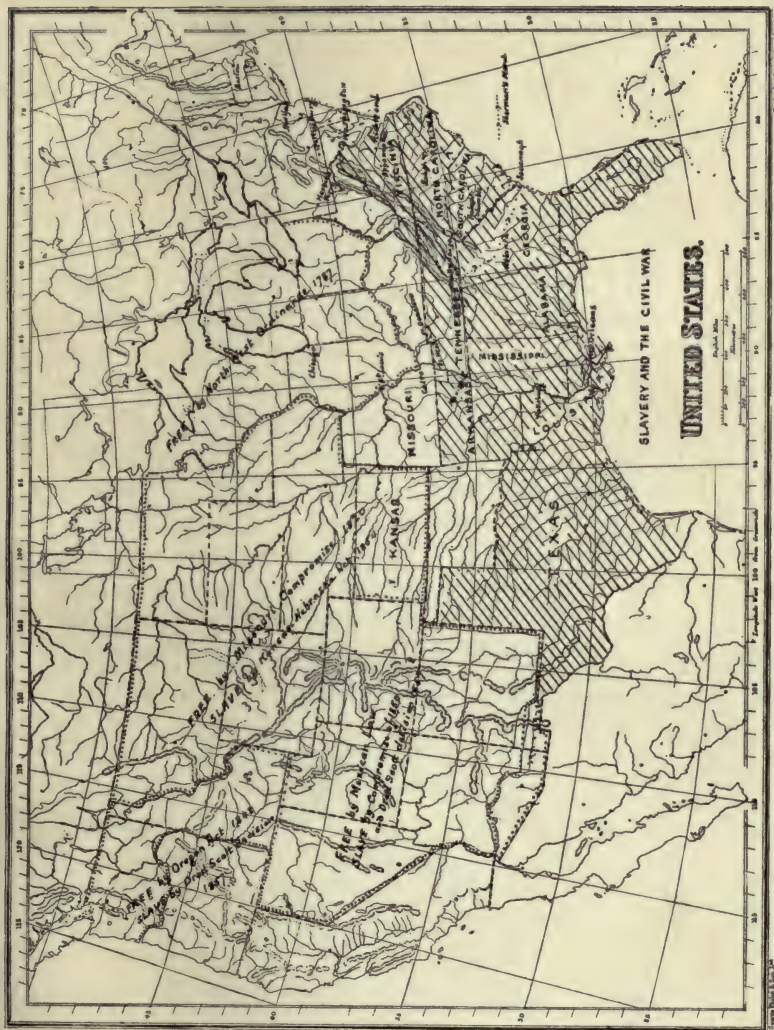
the Union. I would save it in the shortest way under the Constitution. The sooner the national authority can be restored, the nearer the Union will be,—the Union as it was. If there be those who would not save the Union unless they could at the same time save slavery, I do not agree with them. If there be those who would not save the Union unless they could at the same time destroy slavery, I do not agree with them. *My paramount object in this struggle is to save the Union, and not either to save or destroy Slavery.* If I could save the Union without freeing any slave, I would do it ; if I could save it by freeing all the slaves, I would do it ; and if I could save it by freeing some and leaving others alone, I would also do that. What I do about slavery and the coloured race I do because I believe it helps to save the Union ; and what I forbear, I forbear because I do not believe it would help to save the Union.” (August, 22, 1862.)



## XVII

### THE CIVIL WAR

THE moment the Southern leaders determined on secession they took steps to seize all property belonging to the Federal government within their borders, and they did this without opposition or even protest on the part of President Buchanan and his advisers. Indeed the feeling for the maintenance of the Union was not overwhelming in the North. A certain sentimentality and distinct apathy led people to look upon these seizures as not worth troubling over. A common saying in those days was : " Let the erring sisters depart in peace." Public speakers were not wanting who declared the South had a perfect right to form a separate nation if it wished to do so. Here and there a stalwart American made himself heard. Such an one was General John A. Dix, who had fought in the war of 1812, and occupied the post of Secretary of the Treasury at the outbreak of hostilities. He ordered two revenue cutters to return home from New Orleans, and learning that one of the commanders refused to





obey—proposing to hand his ship over to the Confederates—he promptly telegraphed: “If any one attempts to haul down the American flag, shoot him on the spot.” Like him were Andrew, governor of Massachusetts, and Buckingham, governor of Connecticut, the “War Governors,” as they are called, who wasted no time in getting the troops of their States ready, so that the very first regiment to answer Lincoln’s call was the Sixth Massachusetts.

The South had certain important advantages, but greater disabilities, in its conflict with the North. It was the evidence of the former, together with inability to recognize the latter and to appreciate what would be the temper of their opponents, once roused, that led the Southern leaders to conceive that the war would be short and successful. Both sides, for the matter of that, indulged in illusions; both believed the contest would be speedily decided, instead of which it lasted four years. The South was confident that all the Slave States would join the Confederacy, but they did not. Maryland suffered “the despot’s heel” to remain on her shore; the eastern portion of Tennessee remained true to the Union; in Virginia the western counties, forty of them, broke away from the rest of the State, called themselves West Virginia and under that name were admitted to the Union. Missouri, Delaware, Kentucky remained faithful, yet during



the campaigns that ensued the Southern commanders were repeatedly drawn into invasion because of their conviction that the people of these States were anxiously awaiting the entrance of the Confederate troops to declare against Lincoln.

The advantages enjoyed by the South were plain : they needed only to defend their frontiers, leaving to the North the burden of attack. The North must necessarily invade the South in order to reduce it. The South did not have to go beyond its own limits ; so long as they could keep the foe out of their States and wear him down they were relatively safe. They had for commanders men of striking ability, highly trained at West Point—the great Military Academy on the banks of the Hudson—and who had fought in preceding wars : Lee, Beauregard, Jackson, Johnston were soldiers of the first rank. They proved themselves on many a hard fought field, and notwithstanding that Lee had in the end to surrender to Grant, he is fairly generally held to have been the greater general.

The disadvantages were palpable enough, only Jefferson Davis and his immediate circle appear to have been unable to see them or, at least, to estimate them correctly. While the area of country open to slavery was larger just then than the free, even as regarded settled land, the numbers of the population were altogether the reverse.

There the balance was heavily in favour of the North. Of the 31,000,000 inhabitants of the United States 8,000,000 whites and 4,000,000 slaves inhabited the South, for slavery is in its essence and effect inimical to the growth of population. There were no great cities in the South, while in the North New York and Chicago had already attained considerable size and importance, and Boston, Philadelphia, Cincinnati and Buffalo were developing rapidly. Manufacturing was widespread and prosperous, railways were reckoned in thousands of miles, and water transportation was commodious and abundant.

The maritime power of the United States, concentrated in the North, had at this moment reached its acme, American tonnage exceeding even that of Great Britain, and three-fourths of the exports being carried in American ships. From the financial point of view also the North was far ahead of the South, and intellectually it had advanced rapidly while the South had remained stagnant. When it is added that foreign immigration had greatly increased, that to these immigrants the idea of States' rights was utterly unknown and conveyed no meaning, and that on the outbreak of war they warmly served the North, the superiority of that part of the Union in the conflict was bound to prove decisive. Finally the personality of Lincoln, unmatched by any Southerner, was to prove the deciding factor.

A difficulty which the North had not taken into account was the position of the negro slaves. The South at once made use of them to dig trenches, build earthworks, carry on military transport and the like. The negroes, on their part, availed themselves of the nearness of the Federal lines to escape to them. They were fugitives, therefore, and technically under the law requiring them to be returned to their owners. Others, again, had been left behind by their masters. Military commanders were thus faced with a problem for the solution of which no provision had been made.

General B. F. Butler, who commanded at Fortress Monroe, settled the difficulty very cleverly as regarded the fugitive slaves. Called upon by the Southern commander to return three negroes who had escaped, he replied that Virginia having declared herself no longer a member of the Union her status necessarily was that of a foreign and belligerent country, to which the Fugitive Slave law did not apply; the negroes, therefore, were simply "contraband of war." This happy reply fastened the name of "contraband" upon escaped slaves, whose numbers grew daily larger, sure as they were of a hearty welcome within the Federal lines.

It will be as well to outline the result of the action in regard to slaves before sketching rapidly the course of the war itself.

Butler's decision disposed of the fugitive slave question. With respect to the slaves abandoned by their masters it was decided that as the South considered them to be property—and Congress had consented to that definition—they were subject to confiscation, like any other form of property, and these men were thus set free. Fremont, in the West, desired to carry on the process wholesale, and issued a proclamation on his own authority declaring all slaves in his district to be free. This was disavowed by Lincoln, whose purpose was to induce the South to accept his plan of gradual emancipation with compensation, under the initiative of the States themselves. His object was to secure the return of the seceders without the rankling which confiscation of their slaves would beget. On April 16, 1862, he signed the Act for the immediate emancipation of all slaves in the District of Columbia, with compensation to their owners. But all efforts to induce the South to accept his plan failed. The complete defeat of the Union troops at the second battle of Bull's Run, on the days of August 29-30, hardened the hearts of the slave owners. They already saw the North at their feet. Lincoln had prepared a draft proclamation of emancipation and had read it to his Cabinet on July 22. On September 17, the Federals won the hard fought battle of Antietam, and the next day the proclamation was issued. It announced



that on and after January 1, 1863, all slaves within any State or part of a State then in rebellion against the Union, should be for ever free.

Still the South resisted: no State accepted the terms offered, and on the date assigned the Final Edict of Freedom was published. It contained a very significant clause: that freed slaves would be received into the Navy and Army of the United States. They flocked into the services, and before the end of the war no fewer than 150,000 were fighting against their former masters.

To give full effect to the Proclamation, the National Convention at Baltimore, called to nominate a candidate for the Presidency in the election of 1864, unanimously chose Lincoln. On January 31, 1865, Congress passed the Thirteenth Amendment: "Neither slavery nor involuntary servitude, except as a punishment for a crime whereof the party shall have been duly convicted, shall exist within the United States or any place subject to their jurisdiction. Congress shall have power to enforce this Article by appropriate legislation." By December, 1865, the Amendment had been ratified by the necessary number of States and had become part of the Constitution.

In February, 1869, Congress passed another Amendment, the Fifteenth, which came into force in March, 1870. It secured completely the rights of the negro: "The right of citizens of

the United States to vote shall not be denied or abridged by the United States or any State on account of race, colour, or previous conditions of servitude."

At last the United States had rid itself of the canker.

The field of war was extensive. On land it comprised three regions: the first, in the east, between the Atlantic and the Alleghanies, with the Shenandoah valley as an important portion; the second, from the Alleghanies to the Mississippi, with the many rivers flowing westward into the great stream, chief among them the Ohio, the Cumberland and the Tennessee. The navigation of the Mississippi was of the utmost value to both sides, and the mouth of the river was of course in Confederate hands. The third region lay west of the Mississippi. Then the seacoast had to be blockaded from Chesapeake Bay on the Atlantic to the mouth of the Rio Grande on the Gulf of Mexico. As usual the sea power asserted itself ere long and the Southerners found themselves cut off from the outer world, although the daring blockade runners succeeded for a time in landing cargoes of much needed goods.

The maintenance, therefore, of the blockade, the invasion of Virginia and the capture of Richmond—the Confederate capital—and the wresting of the Mississippi from end to end from the Con-

federates, were the three main objects to be attained by the North.

The earlier battles did not inspire the North with that sense of certainty that was reckoned upon; especially the first battle of Bull's Run on July 21, 1861, which proved a most unpleasant defeat. There was no one general on the Union side in the east who could match himself with assurance against the Southern commanders, Joseph H. Johnson, Lee, Jackson. In the west, Ulysses S. Grant, who was to bring the war to a close, was subordinated to inferior men, but none the less quickly gave proof of his worth by compelling the surrender of Fort Donelson, on the Tennessee, one of the strongest positions held by the Confederates. Farragut, in that same year, 1862, performed a splendid feat of arms by forcing the Mississippi entrance in spite of the fire of the fleet and the forts. The end of June saw the series of engagements known as the Seven Days' battle in which Lee, on the whole, had the better of his opponent. The close of August was marked by the serious defeat of the Federals at Bull's Run, a place for the second time unfortunate to them. McClellan, "the young Napoleon" as his admirers termed him, fought in September the battle of Antietam against Lee, making a mess of his chances and being properly superseded.

Nor did matters mend much at first in the

following year, for in May at Chancellorsville, Lee, with only sixty-one thousand men, dealt a crushing blow to the Army of the Potomac, one hundred and five thousand strong, under Hooker. But the death of one man, "Stonewall" Jackson, was a severe and irreplaceable loss for the Confederates. Better times, however, were coming. On the first of July began the tremendous battle of Gettysburg, between the Union forces under Meade and the Confederates under Lee. It was a titanic struggle, and the greatest bravery and skill were displayed on both sides. Three days' hard fighting resulted in the defeat of Lee. The very next day, July 4, the anniversary of the Declaration of Independence, Grant, in the West, won a signal triumph. Vicksburg, which he had been investing, surrendered at discretion, and the Mississippi was in Federal hands and the Confederacy cut in twain. Then came another furious battle, Chickamauga, when the fortune of war at first turned against the Union troops, but the day was saved by the iron steadiness of Thomas and his men; and in November Chattanooga, when, for the first and only time, Grant and his trio of splendid chiefs were all together and inflicted a decisive defeat on the Confederates. Grant was now made commander-in-chief of all the Union armies, and the doom of the Confederacy was sealed.

The year 1864 saw first the long series of



conflicts in the difficult country of the Wilderness, "a region of interspersed forest, thicket and swamp, narrow and neglected roads, and only occasional farms or openings." The two best leaders were confronting each other—Grant and Lee—with the result of the encounters on the whole in favour of the latter. The news of the sinking of the *Alabama*, the Confederate cruiser which had wrought such havoc on the high seas, heartened the North, and then the dash of Sherman on Atlanta, in the South, and his great march through Georgia to the sea, stripping the country for miles on either side and absolutely crippling the defence, hastened the collapse. The end came with startling rapidity: in 1865 Richmond surrendered on April 3, and Lee, the brave and heroic Lee, laid down his arms at Appomatox Court House to "Unconditional Surrender" Grant.

The war was over, the South crushed, the evil cause of slavery for ever defeated, and the Union saved, to go on to greater prosperity, and to greater usefulness to humanity at large.

## XVIII

### AFTER THE WAR

SERIOUS problems confronted the country when the war ended. The popular notion that the mere proclamation of peace suffices to restore the conditions existing before the conflict is, of course, a wholly erroneous one, for war so alters everything that new problems have to be faced, and the task of restoration is always a difficult one. It had proved to be so after the War of Independence, but at least there was no internecine conflict to aggravate matters. Now, on the contrary, a bitterness as intense as that felt towards Great Britain inflamed minds in the North and in the South. The latter, beaten to the ground, devastated, starved, overrun, its pride humiliated though not destroyed, saw itself in danger of becoming the prey of unscrupulous whites and suddenly freed slaves. The North, angered by the long resistance and the not infrequent defeats its troops had experienced, was in a mood to treat its beaten enemy severely.

Most unfortunately the one man whose shining common sense and wonderful tact might have, and probably would have, eased the perilous situation, was suddenly assassinated by a fanatical Southerner. The whole of the North and the whole of Great Britain mourned and deplored the act. In this country the cheap wit and mean satire that had too frequently been aimed at "the rail-splitter" ceased, and was replaced by the most genuine sorrow and the instant recognition of the great qualities and high ideals of the man who had borne uncomplainingly the burden of the fratricidal contest and striven to preserve the Union.

A huge army had been called into being : it had to be demobilized. It was composed of men who had been called to the colours from their civil occupations. Was it possible to discharge them without serious disturbance of the existing conditions of labour and trade ? The genius of the American people proved equal to the task : within six months of the close of the war 800,000 men had been disbanded and had resumed civil occupations. By Christmas 1865 there were but 50,000 men on the establishment, and a steady process of diminution brought even that small army down to 25,000 in the course of a few years. The navy followed suit, and the ships themselves were mostly disposed of by sale. This process, indeed, was carried so far that the

United States found itself without a sea force adequate to its needs, nor was it till 1886 that the navy was increased and finally brought to its present high standard of efficiency, both in the number and character of the ships and of the officers and men.

Financial questions were pressing. Pensions for the sailors and soldiers and their dependents made a heavy drain on the resources of the country, and the unfortunate seizure of the problem by the rival political parties induced a system of corruption and favouritism in the administration of the pensions system that disgraced all concerned in it.

A huge debt had been contracted in order to finance the war. As after the Revolution, proposals were heard on all hands that the bonds should not be redeemed at their face value, as they had been sold at less under the pressure of necessity. Happily, as again after 1783, the country determined to stand by its pledges, and the debts were paid in full, thus maintaining the credit of the United States.

Possibly the most serious, and assuredly the most critical, of the issues demanding wise and instant treatment was that of the status of the Southern States that had revolted and now lay beaten and sullen. For it was downright hatred of the North that animated the white population, while the sudden emancipation of the huge



slave population had aroused in the breasts of the negroes the wildest and most impossible beliefs in their social equality with their late owners and masters. Had Lincoln lived, his mastery over the North, his unequalled tact in dealing with men, his clear-sightedness and moderation would have found a way out of the problem. But he was gone, and in his stead Andrew Johnson, the former Vice-President, ruled in the White House. Johnson is thus described by Channing: "A Union man from Tennessee who had suffered greatly at the hands of the Confederates. His motives were excellent, his patriotism without question, and his judgment was usually sound; but he obscured these good qualities and ruined his influence with the people by coarse, bitter invective against those who did not agree with him." The consequence was continual disagreement between Congress and him, and finally impeachment for "high crimes and misdemeanors"—the cause of this action being his dismissal of Stanton, Secretary of War, who antagonized him on the question of the reconstruction of the Southern States. The impeachment failed, but by one vote only.

Meantime the situation in the South was rendered worse by frequent riots and conflicts; the whites saw themselves ousted from any participation in the administration of their own States, and replaced by negroes who were no more than

the ignorant tools of the "carpet-baggers" from the North. In point of fact the Southern whites were disfranchised, and they keenly resented this treatment. Eventually, though not till years had passed, matters quieted down and the development of the remarkably rich resources of the South, the pacifying influence of time, and the greater interest aroused by new questions affecting the whole of the United States brought about a peaceful condition.

In 1868 General Grant, chosen as its candidate by the Republican party, was elected President, and re-elected at the close of his first term. Personally of undoubted honesty, his terms of office were marked by widespread and deep corruption in political life. The doctrine of "to the victors belong the spoils," adopted by Jackson and since then become part and parcel of public belief, made the Civil Service of the country the prey of the unscrupulous politicians who abounded and greatly flourished, lining their own pockets and the pockets of their henchmen.

In 1876 the two political parties, Republicans and Democrats, were so evenly matched that the rival candidates, Hayes and Tilden, appeared to have the same number of electoral votes for the Presidency. The question was determined by a commission on which the Republicans had the majority and they, consequently, declared

their candidate elected. It was during Hayes' administration that the Southern whites managed to regain control of their States.

In 1884 Grover Cleveland, by his election as President, broke the long Republican record of twenty-five years' tenure of the government. He was succeeded by Harrison, under whom McKinley came to the front as the sponsor of a protection measure which bore his name. Under Harrison also was passed the Sherman Silver Bill. The discovery of rich silver mines, and the consequent large output of that metal, induced many to insist that silver should be placed on an equality with gold as the standard. In the West, especially, the advocates of silver became both numerous and influential, and the war-cry "Sixteen to one" was heard throughout the land in one of the most hotly contested Presidential elections. A new party, the People's Party it called itself, advocated the imposition of an income tax, the coining, free and unlimited, of silver at the rate of sixteen to one, and the nationalization of telegraphs, telephones and railways. Cleveland, once more a candidate, stood out energetically against free silver and was elected.

He showed resolution at a critical time, when a great railway strike in Chicago threatened to disorganize the whole trade of the country. He acted vigorously and promptly, sending Federal troops to restore order and secure the immediate

resumption of traffic. For this he was of course blamed, but outside the political rings his action was highly approved.

The advocates of free silver had not given up the fight, and in the campaign of 1896 seemed about to sweep the country. It was then that a picturesque figure first appeared on the political stage. The Democratic National convention met in Chicago to select its candidate. Bryan made a speech of the true spell-binder type, winding up with a phrase that at once caught his immense audience, and rang throughout the land : " You shall *not* crucify mankind on a cross of gold ! " None the less he was beaten then, as on every subsequent occasion when his party put him forward. On this one, it was McKinley, the Republican candidate who won, and in 1900 Congress established the gold standard definitively.

The protective system, beloved of the Republican party and assailed by the Democrats, was largely developed under the rule of the former, and the Dingley Tariff came into operation under McKinley. Presently, however, the minds of men were drawn away by the complications that arose between the United States and Spain. The latter country still possessed Cuba, and its administration of that island had on more than one occasion brought out angry remonstrances from Washington. Unquestionably the rich



island was coveted by the Americans, and as far back as 1848 they had offered to purchase it for a hundred million dollars, a tempting bait indeed to a country that was in continual need of money. Filibustering expeditions were too frequently organized in the United States, and compelled the government to assert its neutrality. The Democrats adopted the acquisition of Cuba as part of their programme, and when rebellion broke out in 1898 American sympathy with the rebels was openly manifested. Spain was lavish of promises and pledges, but put off carrying them out, and matters became so utterly bad that intervention in some form was inevitable. Cuba had become a source of danger, and an American battleship, the *Maine*, was despatched to Havana to guard American interests. On January 25, 1898, she was blown up with the loss of two hundred and fifty-three lives. Spain protested her innocence, and no one in America believed in it. In April Congress adopted an ultimatum to Spain, but even before it was received that country had broken off diplomatic relations.

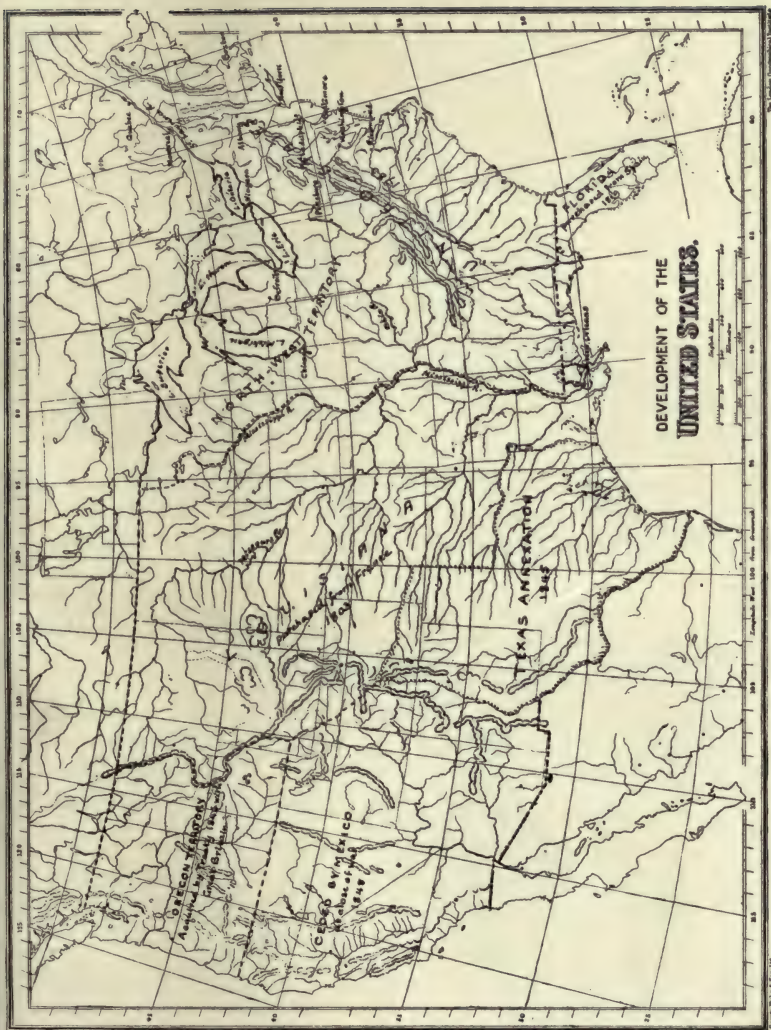
War began decisively in the far-away Philippine Islands, where Dewey destroyed the Spanish fleet on May 1. Manila was taken later, and at the peace the islands were purchased by the United States. In home waters Sampson and Schley disposed of Cervera's squadron, and Shafter won

at El Caney and San Juan, Santiago surrendered, Miles conquered Porto Rico, and the war ended. The United States administered the government till elections could be held, cleaned Havana and transformed it from a plague spot into a healthy city, and then handed the whole island over to the Cubans themselves. As these naturally, after the manner of suddenly liberated people without political experience, started to quarrel and fight among themselves, threatening a recrudescence of the old disorders, the Americans interfered again, restored tranquillity and then once more left the Cubans to govern themselves.

Re-elected to the Presidency, McKinley was, like Garfield, assassinated, and Theodore Roosevelt, whose vigour and energy and determined "clean politics" beliefs caused him to be hated by the regular politicians, who fancied they had for ever shelved him by electing him Vice-President, entered the White House, and by his dynamic energy won the enthusiastic support of the great bulk of the population. Under his administration the country began that steady breaking away from the old tradition of non-interference in foreign affairs, the most marked incident being the mediation between Russia and Japan which brought the war between these two Powers to an end.

Elected once more in 1904, Roosevelt was succeeded by William Taft, and he in his turn by

the present President, William Woodrow Wilson, under whom the world has seen the happy reunion of the two countries, the two great democracies so long separated.







## XIX

### THE HUNDRED YEARS' PEACE

No mention has been made, in the immediately preceding chapters, of the various difficulties which arose from time to time between Great Britain and the United States. These may now be treated consecutively, for while there were many causes of discord and periods when it seemed as though war would again break out, the peace between the two nations was never actually broken.

Since the month of August, 1814, and while offensive measures were still the rule, negotiations had been proceeding looking to the conclusion of peace. The war had never been really popular in the United States, and even the successes of the American navy and the disaster to the British arms at New Orleans did not incline the people to a continuance of the contest. Commissioners were appointed by both sides, and met at Ghent, in Belgium, where the articles of the treaty were settled, and the treaty signed on December 24, 1814.

"The treaty itself," grimly remarks Channing, "conceded nothing." The right of search, the enforcement of impressment, the effect of the Orders of Council, had been the immediate causes of the rupture.—Nothing was said about these matters or the unsettled boundary questions which had also contributed to the quarrel. The main thing, for both sides, was that the war was ended, and that was a matter of prime importance to Great Britain, since, on March 1, 1815, Napoleon landed at Cannes, having escaped from Elba, and Europe was once more plunged into bitter conflict.

But if peace was made, the contest none the less left behind it evil not easily overcome, and deepened that estrangement between America and Great Britain which lasted down to the present day, when the World War again drew together the two great democracies. The naval victories of the Americans—and, apart from the single ship combats, those on Lake Erie and Lake Champlain, which were fleet actions, were important—gave them an altogether disproportionate idea of their power, and blinded most of them—not all—to the fact that they had really gained little or nothing and that on land they had disastrously failed. Professor Albert Bushnell Hart, commenting on this, says:—"The War of 1812, in which the original aggression was indubitably on the British side . . . was

finally declared because of the American expectation of conquering Canada—an expectation which was ingloriously defeated. Still the victories at Plattsburg and New Orleans left the Americans with the belief that they had somehow been the victors, and gave rise to the million times repeated boast: 'We have licked England twice, and we can do it again.' "

Yet, in spite of this legacy of ill-will and hostility, the Hundred Years' Peace remains and will remain a testimony to the illuminating common sense of the two nations and the power of high ideals to draw men together. For during that period occasions of strife have not been wanting: six times grave differences have arisen, the call to arms was heard on both sides of the ocean, but none the less peace remained unbroken.

The six principal causes of difference were, in 1818, the Fisheries question, which came up again in 1850; in 1827, the Maine Boundary dispute, with that in Oregon in 1846, the *Trent* affair in 1861, and the Venezuela affair in 1897.

The treaty of 1783, which recognized the independence of the United States, conceded, in its third clause, the right of Americans to fish in the high seas—which of course they possessed,—on the Banks of Newfoundland and in the Gulf of Saint Lawrence as part of the right of an independent nation. But it also granted "liberty," not the "right," to fish in the bays



of British North America, and the additional "liberty" to dry and cure fish on certain unsettled parts of the coast. Without this, indeed, the former liberty, as well as the general right, was of little value. The question of procuring bait also entered into the matter. The result was the development of a most lucrative American industry, Massachusetts in particular profiting largely.

After the war of 1812, however, and during the negotiations at Ghent, the British government maintained the view that, under a well-known principle of international law, the treaty of 1783 was abrogated, and later gave notice that the "liberty" was no longer existent. That was when, after the cessation of hostilities, American fishermen resumed their avocation. In the final treaty certain definite limits were indicated, although even then a difficulty remained and cropped up ere long. It lay in the definition of a "bay," of which there are several of large extent on the Newfoundland and Canadian coasts. The Reciprocity treaty of 1854 settled the matter for a time, but as it was abrogated after the Civil War the question remained fruitful of serious complications.

These led to the Washington Treaty, negotiated in 1873, and the appointment of the Halifax Commission, which was entrusted with the task of determining the amount of damages to be

paid by the United States for illegal fishing. The Commission, after careful investigation, awarded Great Britain £1,100,000 damages. The Americans were exasperated: they had reckoned that the arbitration would be in their favour, and rather than submit to the verdict they called for resort to arms. The United States government, however, more sensible than the masses, paid the money.

The trouble was by no means at an end. The Americans claimed to act as they pleased within British territorial waters, quite regardless of Canadian law, and even to send men-of-war to compel Canadian and Newfoundland fishermen to comply with regulations framed in Washington. This was out-Heroding Herod with a vengeance. The gravamen of the Thirteen Colonies, when they were a part of the Empire, had been that they were taxed without representation and forced to submit to laws made by a body in which they were not represented, but now the United States sought to impose even worse conditions on the people of two free colonies of the Empire. It was not till 1910 that the difficulty was finally settled by reference to the Hague tribunal. Of the seven questions submitted, two were decided wholly in favour of Great Britain, and the remaining five largely so.

The Maine Boundary dispute was one of three, and perhaps the most ancient of all. These

boundary difficulties originated in the complete ignorance of the country at the time the first charters were granted in the seventeenth century. Points were indicated which did not exist and the vagueness of the definitions further complicated matters.

It was of course important that the delimitation of the north-east frontier should be carried out as speedily as possible after the recognition of independence, but the obstacles, due to the causes mentioned, were so numerous that the treaty of 1783 postponed the settlement. And when Jay negotiated the treaty of 1794 the matter was referred to a commission which did nothing, so that another one was agreed upon and provided for in the treaty of Ghent. With every desire and every effort to settle the matter, the practical impossibility of complying with the indications of the original charter became more evident. Great Britain, in 1821, offered to submit the whole case to the arbitration of the Netherlands, but the Americans would not listen to the proposal, and it was not till 1842 that the boundary was at last defined in accordance with the Ashburton treaty of that year.

Another stretch of territory was being wrangled about : that lying to the west of the Great Lakes and known as the Western Territory. Here both nations claimed parts of each other's land, but in 1818, by the London Convention, it was agreed

to take the 49th parallel from the Lake of the Woods to the Rocky Mountains as the frontier line. This involved each losing and also gaining some of the lands claimed.

The Oregon dispute was far more serious. There had been no fear of war over the Western Territory, but there was over the Oregon. This comprised what is now British Columbia, and the States of Washington, Oregon, Idaho, and part of Montana. The British claim rested in part on the fact that Drake, during his circumnavigation of the globe, had taken possession in the name of Queen Elizabeth; that possession, however, had not been made effective. In 1788 a British settlement had been made on Nootka Sound, Vancouver Island. Four years later Captain Gray, an American, in an American ship, had explored the Columbia river, while in 1804, Jefferson being President, Lewis and Clarke started from St. Louis across the plains and the Rocky Mountains, reaching the Pacific. In 1811 Astor, founder of the well-known family of that name, established a trading settlement called Astoria for the purpose of securing a share of the lucrative fur trade carried on by the Hudson Bay and the North-west Companies.

The question of boundary, and consequently of right to administer the territory, was a pressing one, for settlers were pouring into it, especially from the American side, and a joint occupation



was agreed to, the country, from 1818 to 1845, being thus ruled by both governments. In 1844 matters were complicated by the admission of Texas, in the extreme south, as a Slave State. Texas, in itself, had nothing to do with Oregon or the sovereignty thereof, but the Northern States were strongly opposed to the creation of any more Slave States, and Oregon was used to distract attention and provide an equivalent. The agitation was carried on with such vigour that the people were roused to a high pitch of excitement, and clamoured for the forcible ejection of the British and the extension of the American boundary to  $54^{\circ} 40'$  North, that is to a point comprising half of what is now British Columbia.

In 1846 a treaty was made at Washington by which the line of the 49th parallel was to be continued to the middle of Vancouver Channel (San Juan de Fuca Strait). But the extreme western line, that through the Strait, produced its own crop of claim and counter-claim, so that in 1869 Great Britain proposed to have the decision left to the arbitration of the Swiss government. The Senate refused to consent ; finally, in 1871, the German Emperor was invited to act and finally determined the question in favour of the American contention.

The *Trent* affair was the one which most appealed to the British public, which took little interest in the disputes about distant boundaries and

fishery rights. This was an insult to the Flag, and passions were aroused on both sides. Indeed, the times were critical: civil war had torn the Union asunder, and in England feeling was, with the exception of the Lancashire people, overwhelmingly in favour of the South, while the government itself was grossly remiss in maintaining the neutrality it had proclaimed, and permitted things to be done in this country which were, some directly, some indirectly, unfriendly.

Now while the belligerency of the South had been recognized, Great Britain, in spite of the persistent efforts of Napoleon III, refused to recognize its independence. To secure this end the Southern States sent two commissioners, Mason and Slidell, to Europe. They succeeded in getting through the Northern blockading fleet and in embarking on the British mail-steamer *Trent* at Havana. As the ship was traversing the Bahamas Channel she was brought-to by the U.S. sloop-of-war *San Jacinto*, commanded by Captain Wilkes, who had been informed of the movements of the envoys. He sent a boarding party which removed Mason and Slidell and carried them to the *San Jacinto*, and Captain Wilkes landed them in Boston, where they were forthwith cast into prison. The North went wild with delight: Congress formally thanked Wilkes, who was fêted all round, for having twisted the lion's tail to such excellent purpose. All the

irritation caused by British sympathy with the South vented itself at once. But Great Britain was in no mood to put up with the action of the American officer. War was imminent: eight thousand men were embarked under orders to proceed to Canada, and apparently fighting was going once more to begin.

Lincoln, with his cool judgment, and Lord Lyons, then British minister at Washington, conjured the storm. Lincoln held that America was in the wrong, Lord Lyons, acting on instructions and his own good sense, gave it to be understood that no apology would be exacted if the commissioners were at once released, and thus the danger that had threatened was averted.

There were other perils, though. The Civil War had the peculiar character implied in that term. It was between two parts of the same nation. Each was convinced that it was in the right; the South thought that England should declare itself in its favour. The British people, with some exceptions, did not understand the real issues which were being fought out, nor was it till Lincoln's Emancipation Proclamation was published that an inkling of the truth dawned on most minds.

The blockade of the Southern coasts, daily stronger and closer, caused the government of Jefferson Davis to strain every nerve in the procuring of the stores and goods the army and

the people stood in such need of. Blockade-running became a source of enormous profits to British merchants. Nassau, in the Bahamas, developed into the headquarters of the blockade-runners. Some were caught, others were successful, but every one added to the bitterness with which Great Britain was envisaged.

Most prolific source of recrimination and righteous wrath was the manner in which the British government allowed downright breaches of neutrality. Of these the most flagrant was the building and arming of the *Alabama* cruiser, which was also manned almost entirely by British subjects. The *Alabama* made no fewer than sixty-nine captures during her two years' cruises, before she was sunk off Cherbourg by the U.S.S. *Kearsarge*. "The plain and unpalatable truth," says Sir Herbert Maxwell in *A Century of Empire*, "is that the *Alabama* was, to all intent and purpose, an English pirate. Built and armed in England, most of her crew and all her gunners were British, some of them actually drawing pay as men of the Royal Naval Reserve. She stalked her prey with British colours at the peak, hauling them down when that prey was under her guns; she was constantly in British waters, and never in a Confederate port." It is no wonder, then, that she caused the name of England and all things English to stink in American nostrils.



When the war was over the United States presented a staggering bill for damages, which made the many admirers of Captain Semmes feel a bit sorry that he had been so successful in sweeping American commerce from the seas. The claims were absurd, it is true—£9,500,000 direct and £400,000,000 indirect—this sum, splendid in its magnificence, being arrived at by including the whole cost of the war after the battle of Gettysburg. The principle, however, was right, and on the matter being referred to an Arbitration tribunal which met at Geneva, Great Britain was most properly condemned to pay £3,250,000 in satisfaction of the direct claims, the indirect being thrown out of court.

It was then and later charged against the Americans that even this amount was excessive, as a surplus was left after settling the claims sent in and examined in America. But the Americans had not voted the amount : that had been done by the Arbitration tribunal after investigation of the claims, and there was no reason why they should part with any portion of the award. But the reproach is an indication of the heated feelings excited by the war in general and the affair itself in particular.

Gladstone himself had added fuel to the fire quite unnecessarily when he addressed the guests at a Liberal banquet in Newcastle on October 7, 1862. " We know quite well," he said, " that

the people of the Northern States have not yet drunk of the cup—they are still trying to hold it far from their lips—which all the rest of the world see they must nevertheless drink of. We may have our own opinions about slavery; we may be for or against the South; but there is no doubt that Jefferson Davis and other leaders of the South have made an army; they are making, it appears, a navy; and they have made what is more than either—they have made a nation."

It is almost needless to say that between the *Trent* affair, the *Alabama* depredations and speeches such as Mr. Gladstone's, together with the general tone of the Press in this country, the feeling of hostility towards Great Britain was aggravated, and dislike and distrust singularly increased, while on this side anger at the action of Wilkes and the enormity of the claims for compensation deepened the cleavage between the two nations. On the British side this was further emphasized by the Fenian raids into Canada, in 1866, these expeditions having been fitted out in the United States, which, nevertheless, refused compensation for the damage done and the expenditure incurred in putting them down.

Next came the purchase of Alaska from Russia by America, and the claim that Bering Sea was a close American sea, the British and all other

nations being thus shut out from the fisheries therein, especially from the valuable seal fishery. Such a contention could not, of course, be admitted, but again, instead of being settled by war, it was referred to arbitration and decided adversely to the Americans.

The boundary between Alaska and Canada furnished the next excitement and promised to make international trouble. In this case the existence of rich gold fields added to the danger, but eventually arbitration was once more resorted to, a commission of jurists being charged with the difficult and delicate task of delimitating the frontier. The commission sustained the American contention.

The Venezuela boundary had really nothing whatever to do with the United States, save by a wide extension of the Monroe doctrine, for Great Britain was not in the position contemplated by President Monroe. Again gold was the source of the trouble, the precious metal being discovered in a part of the territory which had always been claimed by Great Britain. Venezuela, which had not in the least concerned herself with it, now asserted that it came under her sovereignty. Into this dispute President Cleveland suddenly intervened, offering the mediation of the United States. It was declined: he then demanded that the matter should be submitted to arbitration; on this being also refused, he

announced the appointment of a commission of inquiry, and declared that its findings, whatever they might be, would be enforced. That meant war, and for a brief three days America shouted itself hoarse in gleeful anticipation of a glorious victory, but sober common sense quickly asserted itself, and British confidence in the justice of the British claim was so complete that arbitration was accepted, with the result that the British claim was almost wholly vindicated.

Arbitration has thus replaced war in the case of the two great democracies, and the method commending itself more and more to the sound sense of the two nations, efforts were made to negotiate general treaties of arbitration whereby possibilities of trouble would be largely eliminated, but both in 1897 and in 1911 treaties drawn on these lines were rejected by the United States Senate.



## XX

### TRADITIONS AND IDEALS

It has been repeatedly stated, in the course of this summary review of the creation and development of the American nation, that British and American ideals are alike, and that in this fact is to be found the explanation of the success of the Empire on the one hand, of the Great Republic on the other. Both stand for the noblest conceptions of liberty ; both have made and will make sacrifices, no matter how heavy, to secure the freedom of their own peoples and of the nations of the world.

The traditions of Great Britain are also the heritage of America, albeit all Americans of to-day are not of British origin. But the fundamental principles upon which the great nation of the western hemisphere has been built up have their origin in England. Contentions, dissensions, wars obscured for a time the strong bond between them : the crisis of the world's fate has made it plain.

But, in addition to those traditions which it

has inherited from England, America possesses some of her own : native to her soil, and deeply implanted in the national mind. They may be summed up as contained in three celebrated documents : the Declaration of Independence of 1776 ; Washington's Farewell Address of 1796 ; President Monroe's Message to Congress of 1823.

The preamble of the Declaration of Independence is known to every schoolboy and schoolgirl in the United States :—

“ When in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

“ We hold these truths to be self-evident, that all are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the Pursuit of Happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed, that whenever any form of government becomes destructive of these ends it is the right of the people to alter or to abolish it, and

to institute new government laying its foundations on such principles and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness."

There are two points to be noticed in this passage: the first, that the Americans from the outset laid stress on the right of public opinion, at home and abroad, to be fully and intelligently informed on questions affecting it. The people of the United States are the real rulers of the Union, and always have been. No measure can be carried, no law enforced which is not supported by the weight of public opinion. But not only must the nation itself thus be fully apprised of the reasons for the actions of its chosen representatives, it imports that the nations at large also should be told plainly the motives which lead America to take the steps it announces and to adopt the policy it proposes to pursue.

The second point is that stress is laid on the rights of men: security of life, liberty of the person and the conscience, and free opportunity for self-development and progress and independence.

These are to-day, as they have been since that memorable Fourth of July, beliefs deeply ingrained in the minds of all Americans; they are the very basis of their convictions, of their actions. It is because these sway them now as they did in 1776 that the Americans entered the World

War, and on doing so proclaimed to the world at large the reasons for their action.

Washington's Farewell Address to the People of the United States, on his final retirement from the Presidency, was delivered on September 17, 1796, and a part of it is generally known as the Washington Precept, because he laid down in it the policy he earnestly desired his fellow-countrymen to pursue in their relations with foreign Powers—which then meant European Powers.

It is a very remarkable, a very noble, a very thoughtful and inspiring address, which deserves to be known in its entirety by the citizens of every nation, every self-governing people. It is impossible to give even large extracts from it here, but one or two passages must be quoted in order to understand the character of the American nation of to-day, moulded as it has been in part by the precepts of "the Father of his Country." Speaking of the manner in which the nation should act, Washington says :—

"Observe good faith and justice towards all nations ; cultivate peace and harmony towards all. Religion and morality enjoin this conduct ; and can it be, that good policy does not equally enjoin it ? It will be worthy of a free, enlightened, and at no distant period a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt that in the



course of time and things, the fruits of such a plan would richly repay any temporary advantages, which might be lost by a steady adherence to it. Can it be that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

“In the execution of such a plan, nothing is more essential than that permanent, inveterate antipathies against particular nations, and passionate attachments for others, should be excluded; and that, in place of them just and amicable feelings towards all should be cultivated. The nation which indulges towards another an habitual hatred, or an habitual fondness is in some degree a slave. It is a slave to its animosity or its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur. Hence frequent collisions, obstinate, envenomed, and bloody contests. The nation, prompted by ill-will and resentment, sometimes impels to war the government, contrary to the best calculations of policy.”

It may not improbably be urged that the wise

words of the President did not have the effect he sought ; that the Americans showed themselves hostile to Great Britain and nursed long and bitter enmity against her. That is undeniable, but it must be borne in mind that the words of the wise and the good, no more than the seed of wheat, come to fruition in a day. The preceding chapter, in its recital of the occurrences during the Hundred Years' Peace—still unbroken and, please God, never again to be broken—proves that the effect of Washington's teaching was not lost.

As regards the relations of the United States with outside nations generally, and Europe in particular, Washington laid down the great policy of isolation which remained unbroken till within recent years. He could not foresee either the manifold development of international communications nor the inevitable entrance of his country, in future years, into the comity of world-powers. He had in mind events that had gone nigh to embroil the young nation, and he wished to put his fellow-countrymen on their guard. Their continent, separated from Europe by distance and time, might, he believed, continue to be thus separated and enabled to develop untrammelled by Old World ideas, traditions and practices. Therefore he dwelt strongly on the necessity of the isolation he prized so highly :—

“ Against the insidious wiles of foreign influence

(I conjure you to believe me, fellow-citizens) the jealousy of a free people ought to be constantly awake, since history and experience prove that foreign influence is one of the most baneful foes of republican government. But that jealousy, to be useful, must be impartial; else it becomes the instrument of the very influence to be avoided, instead of a defence against it. . . .

"The great rule of conduct for us, in regard to foreign nations, is, in extending our commercial relations, to have with them as little political connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith. Here let us stop.

"Europe has a set of primary interests, which to us have none or a very remote relation. Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships or her enmities.

"Our detached and distant situation invites and enables us to pursue a different course. . . .

"Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European

ambition, rivalry, interest, humour, or caprice?"

This recommendation of Washington's has long been observed. The United States endeavoured to remain outside the whirlpool of European politics, to live their national life within their own continent, to develop their democratic ideas free from the influence of Old World beliefs and habits, which have so strong a hold upon men subject to them. They avoided even as long as they could giving the title of ambassador to their representatives abroad, lest they should be drawn into the ways of the European fashions.

Their isolation, traditionally dear and all-important to them, was favoured both by their real distance from Europe—the length of time occupied in those days in making the passage seeming incredible to a generation which has seen the fast modern steamships—and by the enormous extent of territory, of hinterland, which they acquired in quick succession. They had their hands full in opening up vast stretches of untouched land, settling limitless prairies, penetrating virgin forests. They were in nowise restricted, and consequently felt naught of the need experienced by nations across the Atlantic for breathing-room, for space in which to place their surplus population.

Even now, when modern inventions and the ever greater commercial interests link them so intimately with the whole civilized world, they



are still swayed by the Washington precept, and this in part explains their apparent slowness in joining the other nations fighting for freedom.

The Monroe Doctrine is an outcome of the Precept. It defines the American belief that there must be no trespassing on the Western hemisphere. Just as they desire to avoid being entangled in European complications, so they mean that these dangers shall not come to them in their transatlantic home. It was also, and remains, a vigorous defiance to autocracy; a declaration that democracy and democracy alone shall flourish on American soil. For it was autocratic action that called forth President Monroe's message.

After the fall of Napoleon at Waterloo, the Russian Tsar, Alexander I, convinced that he was chosen by Divine Providence to execute its decrees, proposed to establish universal peace by the simple process of making autocracy dominant throughout the world. He was sincere in his belief that it must prove the salvation of mankind. Accordingly he communicated his views to a pair of other despots, the King of Prussia, Frederick William III, and the Emperor of Austria, Francis I, and the three formed what they termed "The Holy Alliance," this title being chosen in order to indicate clearly the heavenly origin of the measure, which, the preamble of their declaration stated, was "based upon the sublime

truths taught by the eternal religion of God the Saviour."

The first article set forth that "on all occasions and in all places" the three monarchs would give each other help, aid and succour. The second modestly asserted that they were the "delegates of Providence."

Great Britain refused to have anything to do with the compact, but France, where the Bourbons had been replaced on the throne, joined in it later.

The main purpose of the trio was to destroy democracy, which had led to the overthrow of the French monarchy and all the horrors of the Revolution. Wherever democratic tendencies were visible, it was intended to crush them out promptly. Nor did the Holy Alliance have long to wait before endeavouring to apply its powers.

When Napoleon had turned out the Spanish monarch and installed his brother Joseph in his place, the Spanish-American colonies in Mexico, Central and South America, had declared themselves independent, but resumed their allegiance when the Bourbons were restored. Spain at once proceeded to reimpose its colonial system, by which these colonies were forbidden to trade with any country save herself. This caused them to revolt and for several years ineffectual efforts were made to reduce them.

In 1820 Liberalism, as it was termed, reappeared

in the Peninsula and in Italy, with signs of coming out in France also. This alarmed the despots and in 1822 they held a conference at Laybach, in Carniola, Austria. They then sent out to the world a declaration that "all useful or necessary changes in the legislature and administration of States must emanate alone from the free will, the reflecting and enlightened impulses of those whom God has rendered responsible for power."

The effect of such a pronouncement upon the minds of the Americans can readily be imagined. It was the absolute and uncompromising negation of the principles upon which their government was founded. Congress, in 1822, recognized the independence of the South American republics. In the following year French troops entered Spain to carry out the behests of the Holy Alliance to restore absolute monarchy in that country. The next step would be to put down the revolt in the South American colonies.

The then Foreign Secretary, Canning, foresaw this, as did all clear-sighted men on both sides of the Atlantic. He proposed to the American minister in London that the two countries, while expressly disclaiming any intention or desire to annex these colonies, would not permit interference with them by any European power. President Monroe was somewhat taken aback: the idea of an alliance with the very country that had so lately been at war with America was

somewhat staggering, although there was and could be no doubt of the good faith of the proposal. He accordingly consulted Thomas Jefferson and James Madison. Both warmly approved of the idea. Jefferson, in particular, became actually prophetic, without suspecting it. In his reply to the President's request for his considered opinion, he wrote :—

“ The question presented by the letters you have sent me is the most momentous which has ever been offered to my contemplation since that of independence that made us a nation.” He recalled Washington's earnest recommendation :—

“ Our first and fundamental maxim should be, never to entangle ourselves in the broils of Europe ; our second, never to suffer Europe to intermeddle in transatlantic affairs. America, North and South, has a set of interests distinct from those of Europe, and peculiarly her own. She should, therefore, have a system of her own, separate and apart from that of Europe. While the last is labouring to become the domicile of despotism, our endeavour should surely be to make our hemisphere that of freedom. *One nation, most of all, could disturb us in this pursuit. She now offers to lead, aid and accompany us in this pursuit. By acceding to her proposition, we detach her from the band of despots, bring her mighty weight into the scale of free government and emancipate at one stroke a whole continent, which might*



*otherwise linger long in doubt and difficulty. Great Britain is the nation which can do us the most harm of any one, or all on earth ; and with her on our side we need not fear the whole world. With her, then, we should the most sedulously nourish a cordial friendship ;* AND NOTHING WOULD TEND MORE TO KNIT OUR AFFECTIONS THAN TO BE FIGHTING ONCE MORE SIDE BY SIDE IN THE SAME CAUSE."

Canning, however, refused to recognize the independence of the republics as a preliminary to the alliance, and the United States thereupon acted alone. President Monroe was the more impelled to do so because, in addition to the Holy Alliance menace, Russia, which had just acquired territory in what is now Alaska, had issued a strict prohibition to trade directed against all foreigners. This invasion of the northern extremity of the continent by despotism alarmed the Americans seriously.

In December, 1823, therefore, Monroe included the following passage in his message to Congress:—"The occasion has been judged proper for asserting as a principle, in which the rights and interests of the United States are involved, that the American continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European powers." That was an unmistak-

able warning to the Tsar. And an equally clear one to the Holy Alliance, with regard to the South American republics, followed:—  
“We owe it, therefore, to candour and to the amicable relations existing between the United States and these Powers to declare that we should consider any attempt on their part of extending their system to any portion of this hemisphere as dangerous to our peace and safety. With the existing colonies and dependencies of any European Power we have not interfered and shall not interfere. But with the governments who have declared their independence and maintained it, and whose independence we have, on great consideration and just principles, acknowledged, we could not view any interposition for the purpose of oppressing them, or controlling by any other manner their destiny, by any European Power, in any other light than as a manifestation of an unfriendly disposition towards the United States.”

That had the excellent merit of plainness, and produced the desired result. Attempts against the republics ceased.

The only one of these three great traditions which has in the least degree been abandoned is that of isolation, for the entry of the United States into the World War was only a more striking instance of the recognition, by the Americans themselves, that the day was past

when they could hold aloof from Europe and the rest of the world. The intervention, in the form of mediation, in the Russo-Japanese war and the share taken in the Algeciras Conference were two instances that prepared the way for the memorable April 6, 1917, when the President signed the resolution of Congress declaring war upon Germany.

Technically there is no treaty of alliance between the United States and Great Britain or France; in reality the three were closely bound one to another in a compact to fight the war to a finish, a victorious finish. And the reason and justification for the course taken by America lie in her tradition of freedom, of equal rights for man, of safety for democracy in the Western as in the Eastern hemisphere.

President Wilson made this clear in his address to Congress on April 2, 1917. Speaking of the war waged by Germany and the Central Powers, he said:—"It is a war against all nations. . . . The challenge is to all mankind. . . . Our motive will not be revenge or the victorious assertion of the physical might of the nation, but only the vindication of right, of human right, of which we are only a single champion. . . . There are, it may be, many months of fiery trial and sacrifice ahead of us. It is a fearful thing to lead this great peaceful people into war, into the most terrible and disas-

trous of all wars, civilization itself seeming to be in the balance. But the right is more precious than peace, and we shall fight for the things which we have always carried nearest our hearts—for democracy, for the right of those who submit to authority to have a voice in their own governments, for the rights and liberties of small nations, for a universal dominion of right by such a concert of free peoples as shall bring peace and safety to all nations and make the world itself at last free. To such a task we can dedicate our lives and fortunes, everything that we are and everything that we have, with the pride of those who know that the day has come when America is privileged to spend her blood and her might for the principles that gave her birth and happiness and the peace which she has treasured. God helping her, she can do no other."

In these grave and noble words spoke the very Soul of America ; in them an echo of that immortal address of Abraham Lincoln on the field of Gettysburg on November 19, 1863, in which he expressed in undying words the high ideals of the American people :—

"Four score and seven years ago our fathers brought forth upon this continent a new nation conceived in liberty, and dedicated to the proposition that all men are equal.

"Now we are engaged in a great civil war, testing whether that nation, or any nation so



conceived and dedicated, can long endure. We are met on a great battlefield of that war. We have come to dedicate a portion of that field as a final resting-place for those who here gave their lives that that nation might live. It is altogether fitting and proper that we should do this.

“ But in a larger sense we cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here have consecrated it far above our power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here. It is for us, the living, rather, to be dedicated to the unfinished work which they who fought here have thus far so nobly advanced. It is rather for us to be here dedicated to the great task remaining before us ; that from these honoured dead we take increased devotion to that cause for which they gave the last full measure of devotion ; that we here highly resolve that these dead shall not have died in vain ; that this nation, under God, shall have a new birth of freedom ; and that government of the people, by the people, and for the people, shall not perish from the earth.”

It was James Otis who, in 1761, said :—“ The only principles of conduct, that are worthy of a gentleman or a man, are to sacrifice estate, ease, health and applause, and even life, to the sacred calls of his country.” And David Webster, in

1825 :—" Let it not be supposed that our object is to perpetuate national hostility, or even to cherish a mere military spirit. It is higher, purer, nobler. We consecrate our work to the spirit of national independence, and we wish that the light of peace may rest upon it for ever." And Emerson, in 1878 :—" The largest thoughts and the widest love are born to victory, and must prevail. . . . The great interests of mankind, being at every moment through ages in favour of justice and the largest liberty, will always, from time to time, gain on the adversary and at last win the day. . . . Nations were made to help each other as much as families were ; and all advancement is by ideas, and not by brute force."

The spirit of America in the World War, the ideal for which she is fighting, is the ideal of the British race, and every Briton may make his own the wondrous words of :—

#### THE BATTLE HYMN OF THE REPUBLIC

Mine eyes have seen the glory of the coming of the  
Lord :

He is trampling out the vintage where the grapes of  
wrath are stored ;

He hath loosed the fateful lightning of His terrible  
swift sword :

His truth is marching on.

I have seen Him in the watch-fires of a hundred  
circling camps ;

They have builded Him an altar in the evening dews  
and damps ;

I can read His righteous sentence by the dim and  
flaring lamps :

His day is marching on.

I have read a fiery gospel, writ in burnished rows of  
steel :

“ As ye deal with My contemners, so My Grace with  
you shall deal ;

Let the Hero, born of woman, crush the serpent with  
His heel !

Since God is marching on.”

He has sounded forth the trumpet that shall never  
call retreat ;

He is sifting out the hearts of men before His judgment  
seat ;

Oh ! be swift, my soul, to answer Him ! be jubilant, my  
feet !

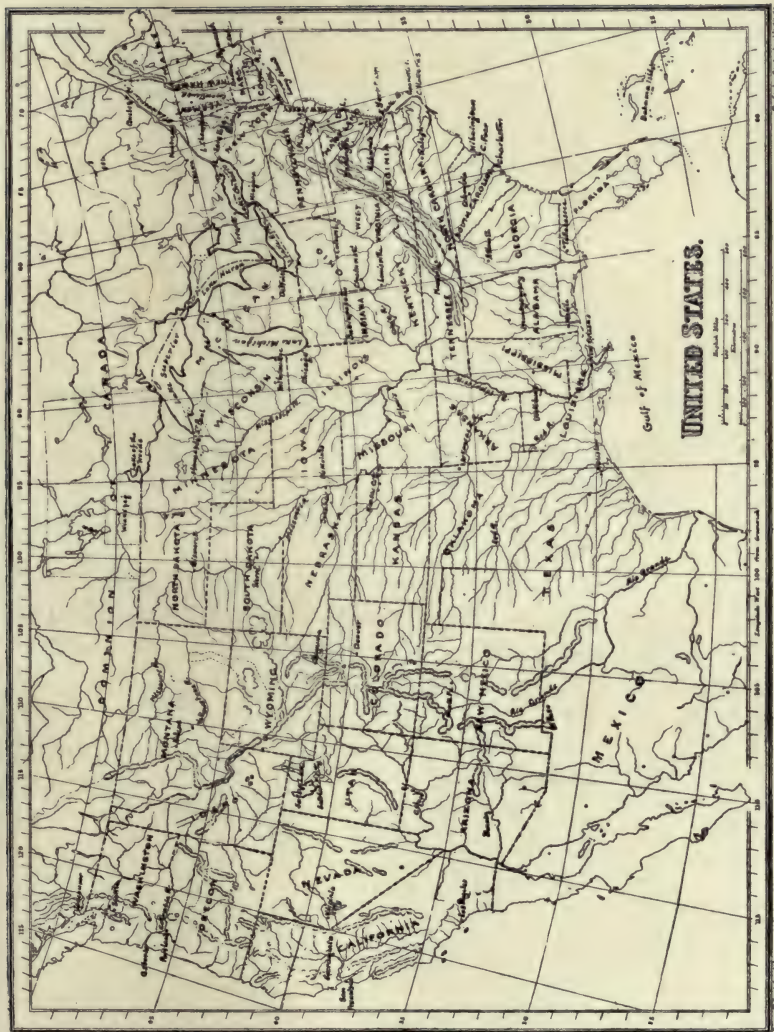
Our God is marching on.

In the beauty of the lilies Christ was born, across the  
sea,

With a glory to His bosom that transfigures you and  
me.:

As *He* died to make men holy, let *us* die to make  
them free,

While God is marching on.







## APPENDIX I

### DECLARATION OF INDEPENDENCE

*In Congress, July 4, 1776.*

#### THE UNANIMOUS DECLARATION OF THE THIRTEEN UNITED STATES OF AMERICA.

WHEN in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the Powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinion of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed. That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness. Prudence, indeed, will dictate that Governments long established should not be

changed for light and transient causes ; and accordingly all experience hath shown, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same Object, evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security.—Such has been the patient sufferance of these Colonies ; and such is now the necessity which constrains them to alter their former Systems of Government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute Tyranny over these States. To prove this, let Facts be submitted to a candid world.

He has refused his Assent to Laws, the most wholesome and necessary for the public good.

He has forbidden his Governors to pass Laws of immediate and pressing importance, unless suspended in their operation till his Assent should be obtained ; and when so suspended, he has utterly neglected to attend to them.

He has refused to pass other Laws for the accommodation of large districts of people, unless those people would relinquish the right of Representation in the Legislature, a right inestimable to them and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their Public Records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved Representative Houses repeatedly, for opposing with manly firmness his invasion on the rights of the people.

He refused for a long time, after such dissolutions,

to cause others to be elected ; whereby the Legislative Powers, incapable of Annihilation, have returned to the People at large for their exercise ; the State remaining in the mean time exposed to all the dangers of invasion from without, and convulsions within.

He has endeavoured to prevent the population of these States ; for that purpose obstructing the Laws for Naturalization of Foreigners ; refusing to pass others to encourage their migration hither, and raising the conditions of new Appropriations of Lands.

He has obstructed the Administration of Justice, by refusing his Assent to Laws for establishing Judiciary Powers.

He has made Judges dependent on his Will alone, for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of New Offices, and sent hither swarms of Officers to harass our People, and eat out their substance.

He has kept among us, in times of peace, Standing Armies without the consent of our legislature.

He has affected to render the Military independent and superior to the Civil Power.

He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws ; giving his Assent to their acts of pretended legislation :

For quartering large bodies of armed troops among us :

For protecting them, by a mock Trial, from Punishment for any Murders which they should commit on the Inhabitants of these States :

For cutting off our Trade with all parts of the world :

For imposing taxes on us without our Consent :

For depriving us in many cases of the benefits of Trial by Jury :

For transporting us beyond Seas to be tried for pretended offences ;



For abolishing the free System of English Laws in a neighbouring Province, establishing therein an Arbitrary government, and enlarging its Boundaries so as to render it at once an example and fit instrument for introducing the same absolute rule into these Colonies :

For taking away our Charters, abolishing our most valuable Laws, and altering fundamentally the Forms of our Governments :

For suspending our own Legislature, and declaring themselves invested with Power to legislate for us in all cases whatsoever.

He has abdicated Government here, by declaring us out of his Protection and waging War against us.

He has plundered our seas, ravaged our Coasts, burnt our towns, and destroyed the lives of our people.

He is at this time transporting large armies of foreign mercenaries to compleat the works of death, desolation and tyranny, already begun with circumstances of Cruelty & perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the Head of a civilized nation.

He has constrained our fellow Citizens taken Captive on the high Seas to bear Arms against their Country, to become the executioners of their friends and Brethren, or to fall themselves by their Hands.

He has excited domestic insurrections amongst us, and has endeavoured to bring on the inhabitants of our frontiers, the merciless Indian Savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes and conditions.

In every stage of these Oppressions We have Petitioned for Redress in the most humble terms : Our repeated Petitions have been answered only by repeated injury. A Prince, whose character is thus marked by every act which may define a Tyrant, is unfit to be the ruler of a free People.

Nor have We been wanting in attention to our

British brethren. We have warned them from time to time of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred to disavow these usurpations, which would inevitably interrupt our connections and correspondence. They too have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity, which denounces our Separation, and hold them, as we hold the rest of mankind, Enemies in War, in Peace Friends.

We, therefore, the Representatives of the united States of America, in General Congress, Assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the Name, and by Authority of the good People of these Colonies, solemnly publish and declare, That these United Colonies are, and of Right ought to be Free and Independent States; that they are Absolved from all Allegiance to the British Crown, and that all political connection between them and the State of Great Britain, is and ought to be totally dissolved; and that as Free and Independant States, they have full Power to levy War, conclude Peace, contract Alliances, establish Commerce, and to do all other Acts and Things which Independent States may of right do. And for the support of this Declaration, with a firm reliance on the Protection of Divine Providence, we mutually pledge to each other our Lives, our Fortunes and our sacred Honor.

JOHN HANCOCK.

*New Hampshire*—JOSIAH BARTLETT, WM. WHIPPLE,  
MATTHEW THORNTON.

*Massachusetts Bay*—SAML. ADAMS, JOHN ADAMS, ROBT. TREAT PAINE, ELBRIDGE GERRY.

*Rhode Island*—STEP. HOPKINS, WILLIAM ELLERY.

*Connecticut*—ROGER SHERMAN, SAM'EL HUNTINGTON, WM. WILLIAMS, OLIVER WOLCOTT.

*New York*—WM. FLOYD, PHIL. LIVINGSTON, FRANS. LEWIS, LEWIS MORRIS.

*New Jersey*—RICHD. STOCKTON, JNO. WITHERSPOON, FRAS. HOPKINSON, JOHN HART, ABRA. CLARK.

*Pennsylvania*—ROBT. MORRIS, BENJAMIN RUSH, BENJA. FRANKLIN, JOHN MORTON, GEO. CLYMER, JAS. SMITH, GEO. TAYLOR, JAMES WILSON, GEO. ROSS.

*Delaware*—CÆSAR RODNEY, GEO. READ, THO. M'KEAN.

*Maryland*—SAMUEL CHASE, WM. PACA, THOS. STONE, CHARLES CARROLL of Carrollton.

*Virginia*—GEORGE WYTHE, RICHARD HENRY LEE, TH. JEFFERSON, BENJA. HARRISON, THOS. NELSON, jr., FRANCIS LIGHTFOOT LEE, CARTER BRAXTON.

*North Carolina*—WM. HOOPER, JOSEPH HEWES, JOHN PENN.

*South Carolina*—EDWARD RUTLEDGE, THOS. HEYWARD, Junr., THOMAS LYNCH, Junr., ARTHUR MIDDLETON.

*Georgia*—BUTTON GWINNETT, LYMAN HALL, GEO. WALTON.<sup>1</sup>

<sup>1</sup> The arrangement of the names of the signers has been changed from that given in the Revised Statutes. The names are spelled as in the original.

## APPENDIX II

### CONSTITUTION OF THE UNITED STATES OF AMERICA<sup>1</sup>

WE THE PEOPLE of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this CONSTITUTION for the United States of America.

#### ARTICLE. I.

SECTION. 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

SECTION. 2. The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

No Person shall be a Representative who shall not have attained to the Age of twenty-five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

<sup>1</sup> Reprinted from the text issued by the State Department.



Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons. The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at Least one Representative ; and until such enumeration shall be made, the State of New Hampshire shall be entitled to chuse three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New-York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.

The House of Representatives shall chuse their Speaker and other Officers ; and shall have the sole Power of Impeachment.

SECTION. 3. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six Years ; and each Senator shall have one Vote.

Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Classes. The Seats of the Senators of the first Class shall be vacated at the Expiration of the second Year, of the second Class at the Expiration of the fourth Year, and of the third Class at the Expiration of the sixth Year, so that one

third may be chosen every second Year; and if Vacancies happen by Resignation, or otherwise, during the Recess of the Legislature of any State, the Executive thereof may make temporary Appointments until the next Meeting of the Legislature, which shall then fill such Vacancies.

No Person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen.

The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided.

The Senate shall chuse their other Officers, and also a President pro tempore, in the Absence of the Vice President, or when he shall exercise the Office of President of the United States.

The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two thirds of the Members present.

Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law.

SECTION. 4. The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.

The Congress shall assemble at least once in every

Year, and such Meeting shall be on the first Monday in December, unless they shall by Law appoint a different Day.

SECTION. 5. Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business ; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide.

Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behaviour, and, with the Concurrence of two thirds, expel a member.

Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such Parts as may in their Judgment require Secrecy ; and the Yeas and Nays of the Members of either House on any question shall, at the desire of one fifth of those Present, be entered on the Journal.

Neither House, during the Session of Congress, shall, without the Consent of the other, adjourn for more than three days, nor to any other Place than that in which the two Houses shall be sitting.

SECTION. 6. The Senator and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same ; and for any Speech or Debate in either House, they shall not be questioned in any other Place.

No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments



whereof shall have been increased during such time ; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.

SECTION. 7. All Bills for raising Revenue shall originate in the House of Representatives ; but the Senate may propose or concur with Amendments as on other Bills.

Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States ; If he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two thirds of that house shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a Law. But in all such Cases the Votes of both Houses shall be determined by Yeas and Nays, and the Names of the Persons voting for and against the Bill shall be entered on the Journal of each House respectively. If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the Same shall be a Law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law.

Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States ; and before the Same shall take Effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the Rules



and Limitations prescribed in the Case of a Bill.

SECTION. 8. The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States ; but all Duties, Imposts and Excises shall be uniform throughout the United States ;

To borrow Money on the credit of the United States ;

To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes ;

To establish an uniform rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States ;

To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures ;

To provide for the Punishment of counterfeiting the Securities and current Coin of the United States ;

To establish Post Offices and post Roads ;

To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries ;

To constitute Tribunals inferior to the supreme Court ;

To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations ;

To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water ;

To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years ;

To provide and maintain a Navy ;

To make Rules for the Government and Regulation of the land and naval Forces ;

To provide for calling forth the Militia to execute

the Laws of the Union, suppress Insurrections and repel Invasions ;

To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress ;

To exercise exclusive Legislation in all cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings ;  
—And

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

SECTION. 9. The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a Tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person.

The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

No Bill of Attainder or ex post facto Law shall be passed.

No Capitation, or other direct, Tax shall be laid, unless in Proportion to the Census or Enumeration herein before directed to be taken.

No Tax or Duty shall be laid on Articles exported from any State.

No Preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State over those of another : nor shall Vessels bound to, or from, one State, be obliged to enter, clear, or pay Duties in another.

No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law ; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

No Title of Nobility shall be granted by the United States : And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.

SECTION. 10. No State shall enter into any Treaty, Alliance, or Confederation ; grant Letters of Marque and Reprisal ; coin Money ; emit Bills of Credit ; make any Thing but gold and silver Coin a Tender in Payment of Debts ; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.

No State shall, without the Consent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing its inspection Laws : and the net Produce of all Duties and Imposts, laid by any State on Imports, or Exports, shall be for the Use of the Treasury of the United States ; and all such Laws shall be subject to the Revision and Controul of the Congress.

No State shall, without the Consent of Congress, lay any Duty of Tonnage, keep Troops, or Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power,

or engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay.

## ARTICLE. II.

SECTION. I. The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice President, chosen for the same Term, be elected, as follows :

Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress : but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

The Electors shall meet in their respective States, and vote by Ballot for two Persons, of whom one at least shall not be an Inhabitant of the same State with themselves. And they shall make a List of all the Persons voted for, and of the Number of Votes for each ; which List they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the Presence of the Senate and House of Representatives, open all the Certificates, and the Votes shall then be counted. The Person having the greatest Number of Votes shall be the President, if such Number be a Majority of the whole Number of Electors appointed ; and if there be more than one who have such Majority, and have an equal Number of Votes, then the House of Representatives shall immediately chuse by Ballot one of them for President ; and if no Person have a Majority, then from the five highest on the List the said House shall in like Manner chuse the President. But in



chusing the President, the Votes shall be taken by States, the Representation from each State having one Vote ; A quorum for this Purpose shall consist of a Member or Members from two thirds of the States, and a Majority of all the States shall be necessary to a Choice. In every Case, after the Choice of the President, the Person having the greatest Number of Votes of the Electors shall be the Vice President. But if there should remain two or more who have equal Votes, the Senate shall chuse from them by Ballot the Vice President.

The Congress may determine the Time of chusing the electors, and the Day on which they shall give their Votes ; which Day shall be the same throughout the United States.

No Person except a natural born citizen, or a citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President ; neither shall any person be eligible to that Office who shall not have attained to the Age of thirty five Years, and been fourteen Years a Resident within the United States.

In Case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, the Same shall devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, Resignation or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected.

The President shall, at stated Times, receive for his Services, a Compensation, which shall neither be encreased nor diminished during the Period for which he shall have been elected, and he shall not receive within that Period any other Emolument from the United States, or any of them.

Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation :—

“ I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States.”

SECTION. 2. The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States ; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices, and he shall have Power to grant Reprieves and Pardons for Offences against the United States, except in Cases of Impeachment.

He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur ; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law : but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session.

SECTION. 3. He shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient ; he may,

on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the Time of Adjournment, he may adjourn them to such Time as he shall think proper ; he shall receive Ambassadors and other public Ministers ; he shall take Care that the Laws be faithfully executed, and shall Commission all the Officers of the United States.

SECTION. 4. The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of Treason, Bribery, or other high Crimes and Misdemeanors.

### ARTICLE. III.

SECTION. I. The judicial Power of the United States shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behavior, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their continuance in Office.

SECTION. 2. The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority ;—to all Cases affecting Ambassadors, other public Ministers and consuls ;—to all Cases of admiralty and maritime Jurisdiction ;—to Controversies to which the United States shall be a party ;—to Controversies between two or more States ;—between a State and Citizens of another State ;—between Citizens of different States—between Citizens of the same State claiming Lands under Grants of different States, and between

a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such regulations as the Congress shall make.

The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury ; and such Trial shall be held in the State where the said Crimes shall have been committed ; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.

SECTION. 3. Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in the open Court.

The Congress shall have Power to declare the Punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attained.

#### ARTICLE. IV.

SECTION. 1. Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.

SECTION. 2. The citizens of each state shall be entitled to all Privileges and Immunities of Citizens in the several States.

A Person charged in any State with Treason,



Felony, or other Crime, who shall flee from Justice, and be found in another State, shall on Demand of the executive Authority of the State from which he fled, be delivered up, to be removed to the State having Jurisdiction of the crime.

No Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due.

SECTION. 3. New States may be admitted by the Congress into this Union ; but no new State shall be formed or erected within the Jurisdiction of any other State ; nor any State be formed by the Junction of two or more States or Parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.

The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States ; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

SECTION. 4. The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion ; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence.

## ARTICLE. V.

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which,

in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress ; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article ; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.

#### ARTICLE. VI.

All Debts contracted and Engagements entered into, before the Adoption of this Constitution, shall be as valid against the United States under this Constitution as under the Confederation.

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof ; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land ; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution ; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

#### ARTICLE. VII.

The Ratification of the Conventions of nine States, shall be sufficient for the Establishment of this Constitution between the States so ratifying the same.

## THE AMENDMENTS.

## I.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof ; or abridging the freedom of speech, or of the press ; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

## II.

A well regulated Militia being necessary to the security of a free State, the right of the people to keep and bear Arms shall not be infringed.

## III.

No Soldier shall, in time of peace, be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

## IV.

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

## V.

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger ; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb ; nor shall be compelled in any Criminal Case to be a witness

against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

## VI.

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining Witnesses in his favor, and to have the Assistance of Counsel for his defence.

## VII.

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

## VIII.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

## IX.

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

## X.

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States



are reserved to the States respectively, or to the people.

## XI.

The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.

## XII.

The Electors shall meet in their respective states, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same state with themselves ; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate ; —The President of the Senate shall, in presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted ;—The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed ; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote ; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the

states shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President. The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President ; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

. XIII.

SECTION 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

SECTION 2. Congress shall have Power to enforce this article by appropriate legislation.

XIV.

SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States ; nor shall any State deprive any person of life, liberty, or property, without

due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

SECTION 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

SECTION 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

SECTION 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against

the United States, or any claim for the loss or emancipation of any slave ; but all such debts, obligations and claims shall be held illegal and void.

SECTION 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

## XV.

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

SECTION 2. The Congress shall have power to enforce this article by appropriate legislation.

## XVI.

The Congress shall have power to lay and collect taxes on income, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.

## XVII.

SECTION 1. The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years ; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

SECTION 2. When vacancies happen in the representation of any State in the Senate, the Executive Authority of each State shall issue writs of election to fill such vacancies : *Provided* that the Legislature of any State may empower the Executive thereof to make temporary appointments until the people fill the vacancies by election as the Legislature may direct.

SECTION 3. This amendment shall not be so construed as to affect the election or term of any Senator



chosen before it becomes valid as part of the Constitution.

## XVIII.

(The Prohibition Amendment, the text of which has not been received.)

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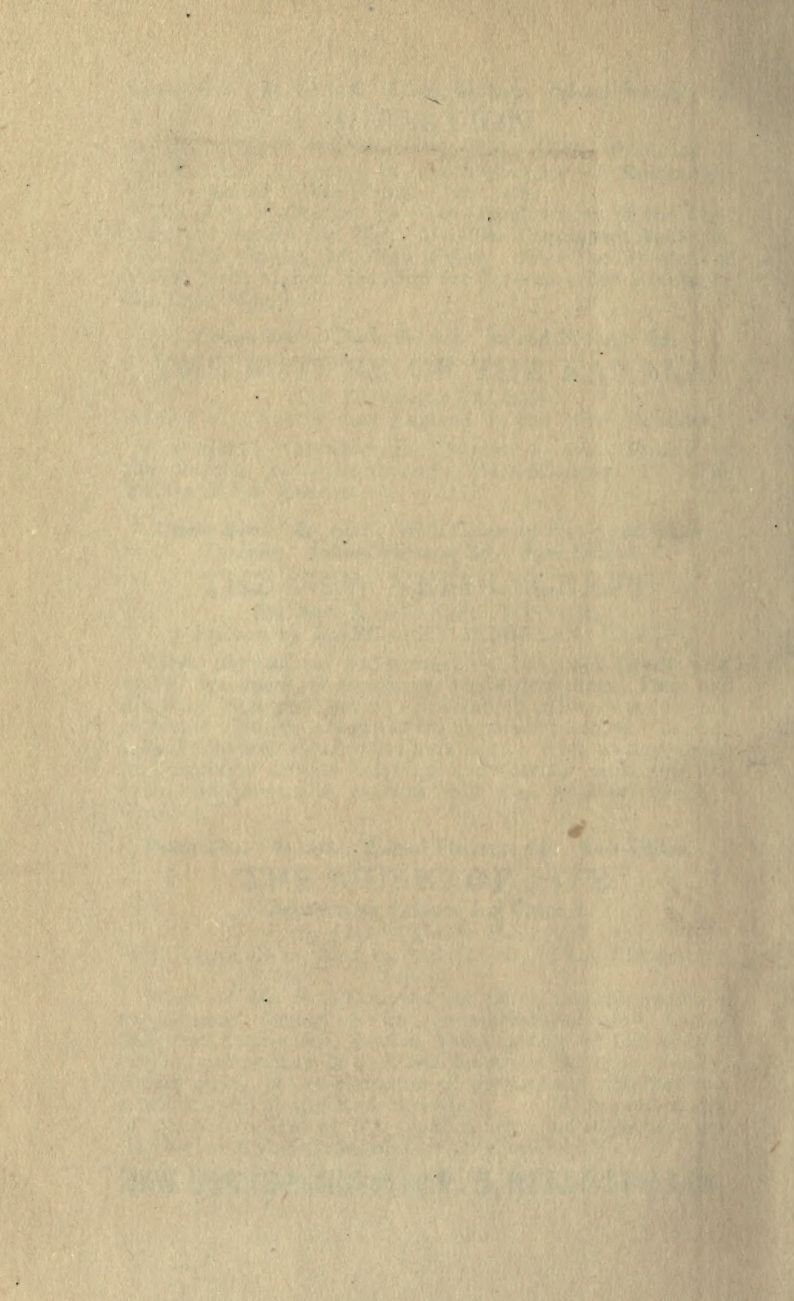
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